HOUSE OF REPRESENTATIVES—*Monday, June 4, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *June 1, 1984.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 4, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, in this new day, we pray that the brightness of Your grace and the beauty of Your creation will fill our hearts with every blessing. With so many tensions and disappointments in the world and so many fears in the future, may Your comforting spirit ever give us hope. Encourage us to use our abilities to heal the hurts between people and lessen the dangers of confrontation and conflict. Give us and all Your people, O gracious God, the spirit of love and conciliation and may Your benediction be with us all our days. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This is the day for the consideration of bills under motions to suspend the rules.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 6, 1984.

The Chair recognizes the gentleman from Montana (Mr. WILLIAMS).

JUVENILE JUSTICE, RUNAWAY YOUTH, AND MISSING CHILDREN'S ACT AMENDMENTS OF 1984

Mr. WILLIAMS of Montana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4971) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984".

FINDINGS

SEC. 102. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "account" and inserting in lieu thereof "accounted", and

(B) by striking out "today" and inserting in lieu thereof "in 1974 and for less than one-third of such arrests in 1983",

(2) in paragraph (2) by inserting "and inadequately trained staff in such courts, services, and facilities" after "facilities",

(3) in paragraph (3) by striking out "the countless, abandoned, and dependent", and

(4) in paragraph (5) by striking out "prevented" and inserting in lieu thereof "reduced".

PURPOSE

SEC. 103. Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (1) by striking out "prompt" and inserting in lieu thereof "ongoing",

(2) in paragraph (4) by striking out "an information clearinghouse to disseminate" and inserting in lieu thereof "the dissemination of", and

(3) in paragraph (7) by inserting "and homeless" after "runaway".

DEFINITIONS

SEC. 104. Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3)—

(A) by striking out "control,",

(B) by striking out "for neglected, abandoned, or dependent youth and other youth", and

(C) by inserting "juvenile" after "prevent",

(2) in paragraph (6) strike out "services," and insert in lieu thereof "services),",

(3) in paragraph (14) by striking out "and" at the end thereof,

(4) in paragraph (15) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new paragraph:

"(16) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile who has been brought into court. In order to be in violation of a valid court order, the juvenile must first have been brought into the court and made subject to a court order. The juvenile in question would have to have received adequate and fair warning of the consequences of violation of the order at the time it was issued. The use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as specifically enumerated by the United States Supreme Court.".

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 201. Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is amended—

(1) striking out subsection (e),

(2) by amending subsection (f) to read as follows:

"(e) There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General and whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established by section 241 of this Act. The Deputy Administrator shall also perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.", and

(3) by striking out subsection (g).

TECHNICAL AMENDMENTS

SEC. 202. (a) Section 202(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(a)) is amended by striking out "him" and inserting in lieu thereof "the Administrator".

(b) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator", and

(2) by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 203. (a) Section 204(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

(b) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) in paragraph (2) by striking out "he" and inserting in lieu thereof "the Administrator",

(2) in paragraph (4) by striking out "he" and inserting in lieu thereof "the Administrator",

(3) in paragraph (5) by striking out "and",

(4) in paragraph (6) by striking out the period and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (6) the following new paragraph:

"(7) provide for the auditing of monitoring systems required under section 223(a)(15) to review the adequacy of such systems.".

(c) Section 204(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(e)) is amended by striking out "subsection ('l')" and inserting in lieu thereof "subsection (l)".

(d) Section 204(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(f)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator", and

(2) by striking out "he" and inserting in lieu thereof "the Administrator".

(e) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

(f) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended—

(1) by striking out "title" and inserting in lieu thereof "section", and

(2) by striking out "he" and inserting in lieu thereof "the Administrator".

(g) Section 204(l) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)) is amended—

(1) in paragraph (1)—

(A) by striking out "section 204(d)(1)" and inserting in lieu thereof "subsection (d)(1)", and

(B) by striking out "section 204(f)" and inserting in lieu thereof "subsection (f)",

(2) in paragraph (2)—

(A) by striking out "subsection ('l')" and inserting in lieu thereof "paragraph (1)", and

(B) by striking out "section 204(e)" each place it appears and inserting in lieu thereof "subsection (e)", and

(3) in paragraph (3)—

(A) by striking out "him" and inserting in lieu thereof "the Administrator", and

(B) by striking out "subsection ('l')" and inserting in lieu thereof "paragraph (1)".

(h) Section 204(m) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(m)) is amended by striking out "7.5 percent" and inserting in lieu thereof "4 per centum".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 204. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking out "Community Services Administration" and inserting in lieu thereof "Office of Community Services".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended by striking out "deliquency programs" and inserting in lieu thereof "delinquency programs and, in consultation with the Advisory Board on Missing Children, all Federal programs relating to missing and exploited children".

(c) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(d) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by striking out "$500,000" and insert in lieu thereof "$200,000".

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 205. Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617(a)) is repealed.

TECHNICAL AMENDMENTS

SEC. 206. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after the heading for subpart I of part B of title II the following new heading for section 221:

"AUTHORITY TO MAKE GRANTS".

(b) Section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended—

(1) by striking out "and the Trust Territory" and inserting in lieu thereof "the Trust Territory", and

(2) by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

STATE PLANS

SEC. 207. (a) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) paragraph (3)—

(A) by amending subparagraph (C) to read as follows:

"(C) which shall include (i) representatives of private organizations, including those with a special focus on maintaining and strengthening the family unit, those representing parents or parent groups, those concerned with delinquency prevention and treatment and with neglected or dependent children, and those concerned with the quality of juvenile justice, education, or social services for children; (ii) representatives of organizations which utilize volunteers to work with delinquents or potential delinquents; (iii) representatives of community based delinquency prevention or treatment programs; (iv) representatives of business groups or businesses employing youth; (v) youth workers involved with alternative youth programs; and (vi) persons with special experience and competence in addressing the problems of the family, school violence and vandalism, and learning disabilities,", and

(B) in subparagraph (F)—

(i) in clause (ii) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraphs (12), (13), and (14)", and

(ii) in clause (iv) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraphs (12), (13), and (14)",

(2) in paragraph (9) by inserting "special education," after "education,",

(3) in paragraph (10)—

(A) in subparagraph (E) by inserting ", including programs to counsel delinquent youth and other youth regarding the opportunities which education provides" before the semicolon at the end thereof,

(B) in subparagraph (F) by inserting "and their families" before the semicolon at the end thereof,

(C) in subparagraph (H)—

(i) in clause (iii) by striking out "or" at the end thereof,

(ii) in clause (iv) by inserting "or" at the end thereof, and

(iii) by adding at the end thereof the following new clause:

"(v) involve parents and other family members in addressing the delinquency-related problems of juveniles;",

(D) in subparagraph (I) by striking out "and" at the end thereof,

(E) in subparagraph (J) by inserting "and" at the end thereof, and

(F) by adding at the end thereof the following new subparagraph:

"(K) programs and projects designed to provide for the treatment of juveniles' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;",

(4) by amending paragraph (12) to read as follows:

"(12)(A) provide within three years after submission of the initial plan that juveniles who—

"(i) are charged with or have committed offenses that would not be criminal if committed by an adult;

"(ii) have committed offenses which are not found to constitute violations of valid court orders; or

"(iii) are such nonoffenders as dependent or neglected children;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which—

"(i) are the least restrictive alternatives appropriate to the needs of the child and the community involved;

"(ii) are in reasonable proximity to the family and the home communities of such juveniles, and

"(iii) provide the services described in section 103(1);".

(5) by amending paragraph (14) to read as follows:

"(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1989, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours of custody (excluding weekends and holidays) provided that such exceptions are limited to areas which—

"(i) are outside a Standard Metropolitan Statistical Area,

"(ii) have no existing acceptable alternative placement available, and

"(iii) are in compliance with the provisions of paragraph (13).".

(6) in paragraph (18)—

(A) by striking out "arrangements are made" and inserting in lieu thereof "arrangements shall be made",

(B) by striking out "Act. Such" and inserting in lieu thereof "Act and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such",

(C) in subparagraph (D) by inserting "and" at the end thereof,

(D) in subparagraph (E) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and

(E) by striking out the last sentence of such paragraph,

(7) by striking out the last sentence thereof,

(8) by redesignating paragraphs (17), (18), (19), (20), (21), and (22) as paragraphs (18), (19), (20), (21), (22), and (23), respectively, and

(9) by inserting after paragraph (16) the following new paragraph:

"(17) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen and maintain the family units of delinquent and other youth to prevent juvenile delinquency. Such approaches should include the involvement of grandparents or other extended family members when possible and appropriate;".

GRANTS AND CONTRACTS

SEC. 208. Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

"SEC. 224. (a) From not less than 15 per centum, but not more than 25 per centum, of the funds appropriated to carry out this part, the Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, or individuals to do each of the following during each fiscal year:

"(1) develop and maintain community based alternatives to traditional forms of institutionalization of juvenile offenders;

"(2) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

"(3) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within each State involved;

"(4) develop and support programs to encourage the improvement of due process available to juveniles in the juvenile justice system;

"(5) develop and implement model programs, relating to the special education needs of delinquent and other youth, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; and

"(6) develop model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.

"(b) From any special emphasis funds remaining available after grants and contracts are made under subsection (a), but not to exceed 10 per centum of the funds appropriated to carry out this part, the Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, or individuals, to develop and implement new approaches, techniques, and methods designed to—

"(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent juvenile delinquency;

"(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(3) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

"(4) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

"(5) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this title, both by amending State laws if necessary, and devoting greater resources to those purposes;

"(6) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and

"(7) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes.

"(c) Not less than 30 per centum of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, or institutions which have had experience in dealing with youth.

"(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged youth, including mentally, emotionally, or physically handicapped youth.

"(e) Not less than 5 per centum of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

APPROVAL OF APPLICATIONS

SEC. 209. (a) Section 225(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635(b)) is amended—

(1) in paragraph (2) by inserting "(such purpose or purposes shall be specifically identified in such application)" before the semicolon,

(2) in paragraph (5) by striking out ", when appropriate" and inserting in lieu thereof "(if such local agency exists)", and

(3) in paragraph (8) by striking out "indicate" and inserting in lieu thereof "attach a copy of".

(b) Section 225(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635(c)) is amended—

(1) by inserting "and for contracts" after "for grants", and

(2) in paragraph (4) by striking out "delinquents and other youth to help prevent delinquency" and inserting in lieu thereof "address juvenile delinquency and juvenile delinquency prevention".

(c) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635) is amended—

(1) by redesignating subsection (d) as subsection (e), and

(2) inserting after subsection (c) the following new subsection:

"(d) New programs selected after the effective date of the Juvenile Justice and Delinquency Prevention Act Amendments of 1984 for assistance under section 224 shall be selected through a competitive process to be established by the Administrator. As part of such process, the Administrator shall announce publicly the availability of funds for such assistance, the general criteria applicable to the selection of applicants to receive such assistance, and a description of the processes applicable to submitting and reviewing applications for such assistance.".

(d) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5035) is amended by adding at the end thereof the following new subsection:

"(f) Notification of grants and contracts made under section 224 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.".

USE OF FUNDS

SEC. 210. Section 227(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637(c)) is amended by striking out "section 224(a)(7)" each place it appears and inserting in lieu thereof "section 224(b)(3)".

PAYMENTS

SEC. 211. (a) Section 228(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(a)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(b) Section 228(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(d)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(c) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(e)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator", and

(2) by striking out "section 224(a)(5)" and inserting in lieu thereof "section 224(a)(3)".

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 212. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after the heading for part C of title II the following new heading for section 241:

"ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION".

(b) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "section 201(f)" and inserting in lieu thereof "section 201(e)".

(c) Section 241(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(d)) is amended to read as follows:

"(d) It shall be the purpose of the Institute to provide—

"(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention and treatment of juvenile delinquency; and

"(2) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel, family counselors, child welfare work-

ers, juvenile judges and judicial personnel, probation personnel, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.".

(d) Section 241 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651) is amended—

(1) by redesignating subsection (f) as subsection (g),

(2) by inserting after subsection (e) the following new subsection:

"(f) The Administrator, acting through the Institute, shall provide, not less frequently than once every two years, for a national conference of member representatives from State advisory groups for the purpose of—

"(1) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 224 of this title;

"(2) reviewing Federal policies regarding juvenile justice and delinquency prevention;

"(3) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

"(4) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.", and

(3) by adding at the end thereof the following new subsection:

"(h) Any grant or contract made under this part after the effective date of the Juvenile Justice and Delinquency Prevention Act Amendments of 1984 shall be selected through a competitive process to be established by the Administrator. As part of such process, the Administrator shall announce publicly the availability of funds for such grant or contract, the general criteria applicable to the selection of applicants to receive such grant or contract, and a description of the processes applicable to submitting and reviewing applications for such grant or contract.".

SEC. 213. Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended to read as follows:

"EVALUATION FUNCTIONS

"SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

"(1) conduct, encourage, and coordinate evaluation of new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency, particularly with regard to those seeking to strengthen and maintain the family unit;

"(2) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and effectiveness of such programs;

"(3) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Administrator; and

"(4) disseminate the results of such evaluation activities particularly to persons actively working in the field of juvenile delinquency.".

TRAINING FUNCTIONS

SEC. 214. Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(1) in paragraph (1)—

(A) by striking out "or who are" and inserting in lieu thereof "working with or", and

(B) by striking out "and juvenile offenders" and inserting in lieu thereof ", juvenile offenders, and their families",

(2) in paragraph (2) by striking out "workshop" and inserting in lieu thereof "workshops", and

(3) in paragraph (3) by striking out "teachers" and all that follows through the end thereof and inserting in lieu thereof the following: "teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and organizations with specific experience in the prevention and treatment of juvenile delinquency; and".

REPEALER

SEC. 215. Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is repealed.

ANNUAL REPORT

SEC. 216. Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended—

(1) by striking out "SEC. 246." and inserting in lieu thereof "SEC. 245.", and

(2) by striking out "research, demonstration, training, and" each place it appears and inserting in lieu thereof "training and".

REPEALER

SEC. 217. Section 247 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5657) is repealed.

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 218. (a) Section 248 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5659) is amended by striking out "SEC. 248." and inserting in lieu thereof "SEC. 246.".

(b) Section 248(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5659(b)) is amended to read as follows:

"(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.".

TECHNICAL AMENDMENT

SEC. 219. Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "SEC. 249." and inserting in lieu thereof "SEC. 247.".

TRAINING PROGRAM

SEC. 220. (a) The heading for section 250 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended to read as follows:

"PARTICIPATION IN TRAINING PROGRAM AND STATE ADVISORY GROUP CONFERENCES".

(b) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended to read as follows:

"(c) While participating as a trainee in the program established under section 246 or while participating in any conference held under section 241(f), and while traveling in connection with such participation, each person so participating shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code. No consultation fee may be paid to such person for such participation.".

(c) Section 250 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended by striking out "SEC. 250." and inserting in lieu thereof "SEC. 248.".

ESTABLISHMENT OF LAW-RELATED EDUCATION RESOURCE CENTER

SEC. 221. The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after section 248 the following new section:

"LAW-RELATED EDUCATION RESOURCE CENTER

"SEC. 249. (a) There is hereby established within the Institute a Law-Related Education Resource Center (referred to in this part as the 'Center').

"(b) The Administrator, through the Center, is authorized to provide, either directly or through grants or contracts, for—

"(1) technical assistance at the Federal, State, and local levels to public and private educational agencies and institutions to implement and replicate law-related education delinquency prevention programs;

"(2) delinquency prevention training programs and materials for persons who are responsible for the implementation of law-related education programs in elementary and secondary schools;

"(3) research, demonstration, and evaluation programs designed to determine the most effective means of implementing and replicating law-related education programs in order to maximize their potential for delinquency prevention; and

"(4) dissemination of information concerning the findings of such research, demonstration, and evaluation programs.

"(c) For purposes of this section the term 'law-related education' means education which provides nonlawyers, especially students, with knowledge and skills pertaining to the law, the legal process, and the legal system, and the fundamental principles and values upon which these are based.

"(d) Not less than 25 per centum, but not more than 30 per centum, of the funds available to carry out this part, shall be available to carry out the purposes of this section.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 222. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after the heading for part D of title II the following new heading for section 261:

"AUTHORIZATION OF APPROPRIATIONS".

(b) The first sentence of section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "ending September 30, 1981" and all that follows through "1983, and September 30,", and

(2) by inserting before the period the following: ", 1985, 1986, 1987, 1988, and 1989".

(c) Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(b)) is amended by striking out "section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974" and inserting in lieu thereof "subsection (a)".

(d) Section 261 of the Juvenile Justice and Delin- quency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by inserting after subsection (b) the following new subsection:

"(c) Of such sums as are appropriated to carry out the purposes of this title—

"(1) not to exceed 3 per centum shall be available to carry out part A;

"(2) not less that 90 per centum shall be available to carry out part B; and

"(3) 7 per centum shall be available to carry out part C.", and

(3) by adding at the end thereof the following new subsection:

"(e) No funds appropriated to carry out the purposes of this title may be used for any biomedical or behavior control experimentation on individuals or any research involving such experimentation.".

TITLE III—RUNAWAY AND HOMELESS YOUTH

RULES

SEC. 301. Section 303 of the Runaway and Homeless Youth Act (42 U.S.C. 5702) is amended to read as follows:

"RULES

"SEC. 303. The Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') may issue such rules as the Secretary considers necessary or appropriate to carry out the purposes of this title.".

PURPOSES OF GRANT PROGRAM

SEC. 302. (a) Section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended by inserting "and their families" before the period at the end thereof.

(b) Section 311(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended by inserting "and to the families of such juveniles" before the period at the end thereof.

ELIGIBILITY

SEC. 303. Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in paragraph (2) by striking out "portion" and inserting in lieu thereof "proportion",

(2) in paragraph (3) by striking out "(if such action is required by State law)",

(3) in paragraph (5) by striking out "parents" and inserting in lieu thereof "families", and

(4) in paragraph (6) by striking out "parents" and inserting in lieu thereof "family members".

GRANTS TO PRIVATE AGENCIES, STAFFING

SEC. 304. Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended by striking out "house" and inserting in lieu thereof "center".

ADDITIONAL ASSISTANCE

SEC. 305. The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating sections 315 and 316 as sections 317 and 318, respectively, and

(2) by inserting after section 314 the following new sections:

"ASSISTANCE TO POTENTIAL GRANTEES

"SEC. 315. The Secretary shall provide assistance to potential grantees interested in establishing runaway and homeless youth centers. Such assistance shall consist of—

"(1) information on steps necessary to establish a runaway and homeless youth center, including information on securing space for such center, obtaining insurance, staffing, and establishing operating procedures;

"(2) information and assistance in securing local private or public financial support for the operation of such center, including information on procedures utilized by grantees under this title; and

"(3) information on the need for the establishment of additional runaway youth centers in the geographical area identified by the potential grantee involved.

"LEASE OF SURPLUS FEDERAL FACILITIES FOR USE AS RUNAWAY AND HOMELESS YOUTH CENTERS

"SEC. 316. (a) The Secretary shall enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers if the Secretary determines that—

"(1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center;

"(2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this title, whether or not the applicant is receiving a grant under this part; and

"(3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of general local government in which the facility is located.

"(b)(1) Each facility made available under this section shall be made available for a period of not less than two years, and no rent or fee shall be charged to the applicant in connection with use of such facility.

"(2) Any structural modifications or additions to facilities made available under this section shall become the property of the United States. All such modifications or additions may be made only after receiving the prior written consent of the Secretary or other appropriate officer of the Department of Health and Human Services.".

REORGANIZATION

SEC. 306. Part C of the Runaway and Homeless Youth Act (42 U.S.C. 5741) is repealed.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. (a) Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is redesignated as part C.

(b) The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after the heading for part D the following new heading for section 341:

"AUTHORIZATION OF APPROPRIATIONS".

(c) Section 341(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking out "each of the fiscal years" and all that follows through the period at the end thereof and inserting in lieu thereof "$25,000,000 for fiscal year 1984; $26,250,000 for fiscal year 1985; $27,600,000 for fiscal year 1986; $28,950,000 for fiscal year 1987; $30,400,000 for fiscal year 1988; and $31,900,000 for fiscal year 1989.".

(d) Section 341(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(b)) is amended by striking out "Associate".

(e) Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5651) is amended by adding at the end thereof the following new subsection:

"(c) No funds appropriated to carry out the purposes of this title—

"(1) may be used for any program or activity which is not specifically authorized by this title; or

"(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment.".

(f) Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5757) is redesignated as section 331.

TITLE IV—MISSING CHILDREN'S ASSISTANCE

ASSISTANCE RELATING TO MISSING CHILDREN

SEC. 400. The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), is amended by adding at the end thereof the following new title:

"TITLE IV—MISSING CHILDREN

"SHORT TITLE

"SEC. 401. This title may be cited as the 'Missing Children's Assistance Act'.

"FINDINGS

"SEC. 402. The Congress hereby finds that—

"(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place them in grave danger;

"(2) many of these children are never reunited with their families;

"(3) often there are no clues as to the whereabouts of these children;

"(4) many missing children are at great risk of both physical harm and sexual exploitation;

"(5) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

"(6) abducted children are frequently moved from one locality to another requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

"(7) on frequent occasions, law enforcement authorities and others searching for children quickly exhaust all leads in missing children cases and require assistance from distant communities where the children may be located; and

"(8) Federal assistance is urgently needed to coordinate and assist in efforts to address this interstate problem.

"DEFINITIONS

"SEC. 403. For the purposes of this title—

"(1) the term 'missing child' means any individual less than 18 years of age who disappears if the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been abducted or that such individual may possibly have been removed from the control of a parent having legal custody of such individual without such parent's consent; and

"(2) the term 'Administrator' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

"DUTIES AND FUNCTIONS OF THE ADMINISTRATOR

"SEC. 404. (a) The Administrator shall—

"(1) issue such rules as the Administrator considers necessary or appropriate to carry out this title;

"(2) make such arrangements as may be necessary and appropriate to ensure that there is effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for assuring such coordination);

"(3) allocate staff and resources which are adequate to properly carry out the responsi-

bilities of the Administrator pursuant to this title;

"(4) compile, publish, and disseminate an annual summary describing and evaluating recently completed Federal, State, and local research and demonstration projects relating to missing children with particular emphasis on—

"(A) effective models of local, State, and Federal coordination and cooperation in locating missing children;

"(B) effective programs designed to promote community awareness of the problem of missing children;

"(C) effective programs to prevent the abduction and exploitation of children (including parent, child, and community education); and

"(D) effective program models which provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction or exploitation; and

"(5) assist the Advisory Board to prepare an annual comprehensive plan for facilitating cooperation among all agencies and organizations with responsibilities related to missing children.

"(b) The Administrator, either by making grants or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) establish and operate a national toll-free telephone line by which individuals may report and receive information regarding the disappearance or location of any missing child and pertaining to procedures necessary to reunite such child with such child's family, parent having legal custody, or legal guardian;

"(2) establish and operate a national resource center and clearinghouse designed to—

"(A) provide technical assistance to local and State governments, public and private nonprofit agencies, and individuals in locating and recovering missing children;

"(B) coordinate public and private efforts to locate missing children and reunite them with their families, parents having legal custody, or legal guardians;

"(C) disseminate information nationally on innovative and model programs, services, and legislation relating to missing and exploited children; and

"(3) periodically conduct national incidence studies to determine for a given year the number of children reported missing, the number of such children who are victims of abductions by strangers, the number of such children who are removed from the control of parents having legal custody of such children without the respective parent's consent by a person known to such parent, and the number of such children who are located in such year.

"ADVISORY BOARD

"SEC. 405. (a) There is hereby established the Advisory Board on Missing Children (hereinafter in this title referred to as the 'Advisory Board') which shall be composed of fifteen members

"(1) a law enforcement officer;

"(2) an individual whose official duty is to prosecute violations of the cruminal laws of a State;

"(3) the chief executive officer of a unit of local government within a State;

"(4) the chief executive officer of a State;

"(5) the Director of the Federal Bureau of Investigation; and

"(6) members of the public who have experience or expertise relating to missing children (including members representing parent groups).

The Attorney General shall make the initial appointments to the Advisory Board not later than ninety days after the effective date of this section. The Advisory Board shall meet periodically and at the call of the Attorney General, but not less frequently than annually. The Chairman of the Advisory Board shall be appointed by the Attorney General.

"(b) The Advisory Board shall—

"(1) advise the Administrator and the Attorney General in coordinating programs and activities related to missing children which are planned, administered, or assisted by any Federal agency;

"(2) advise the Administrator with regard to the establishment of priorities for making grants of contracts under section 406; and

"(3) prepare an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children and submit the first such annual plan to the President and the Congress not later than eighteen months after the effective date of this section.

"(c) Members of the Advisory Board, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Code, for persons in the Federal Government service employed intermittently.

"GRANTS

"SEC. 406. (a) The Administrator is authorized to make grants and to enter into contracts with public agencies and private nonprofit agencies for research, demonstration projects, and service programs designed—

"(1) to educate parents, children, and community agencies and organizations in ways to prevent the abduction and exploitation of children;

"(2) to provide public information to assist in the locating and return of missing children;

"(3) to aid communities in the collection of materials which will be useful to parents in assisting others to identify such children;

"(4) to increase knowledge of and develop effective treatment pertaining to the psychological consequences to both parents and children resulting from a child's abduction, both during the period of disappearance and after the child is returned; and

"(5) to collect data from selected States or localities on the investigative practices used by law enforcement agencies in cases involving missing children.

"(b) In considering applications for assistance under this title, the Administrator shall give priority to applicants who have demonstrated experience in—

"(1) providing services to missing children or the families of missing children;

"(2) conducting research relating to missing children; or

"(3) locating missing children and reuniting them with their families.

"(c) The Administrator shall encourage the substantial utilization of volunteers in such demonstration projects and service programs as the Administrator deems appropriate.

"CRITERIA FOR GRANTS

"SEC. 407. The Administrator, in consultation with the Advisory Board on Missing Children, shall establish priorities for making grants or contracts under section 406 and, not less than sixty days before establishing such priorities, shall publish in the Federal Register for public comment a statement specifying such priorities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 408. To carry out this title, there are authorized to be appropriated $2,000,000 for fiscal year 1984, $10,000,000 for fiscal year 1985, $10,500,000 for fiscal year 1986, $11,000,000 for fiscal year 1987, $11,600,000 for fiscal year 1988, and $12,250,000 for fiscal year 1989.".

TITLE V—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 501. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act or October 1, 1984, whichever occurs later.

(b) Paragraph (2) of section 341(c) of the Runaway and Homeless Youth Act, as added by section 306(e) of this Act, shall not apply with respect to any grant or payment made before the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Montana (Mr. WILLIAMS) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. PETRI) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the Committee on Education and Labor presents H.R. 4971, the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984. Its purpose is to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes.

The Juvenile Justice and Delinquency Prevention Act of 1974 represents congressional attempt to continue the Federal leadership and assistance to States, local governments, and private agencies that together we may develop and implement effective programs for the prevention and treatment of juvenile delinquency. It has traditionally enjoyed broad support from both sides of the aisle and I am pleased to report that you will again find that H.R. 4971, as reported by the committee, has a strong bipartisan flavor.

There are some 70 cosponsors of the bill and a significant number of those are Republican. Congressman TOM PETRI, my colleague from Wisconsin, who is the ranking minority member of our Subcommittee on Human Resources, is not only an original cosponsor but is, as well, coauthor along with Congressman IKE ANDREWS of North Carolina, who is subcommittee chairman.

It is cosponsored by the chairman and ranking minority member of the Select Committee on Children, Youth, and Families, as well as the distin-

guished chairman of this committee, CARL PERKINS. Congressman PAUL SIMON, whose work on behalf of missing children resulted in his bill, H.R. 4300, being incorporated into H.R. 4971 as a new title IV is an original cosponsor and deserves particular appreciation, along with Congresswoman OLYMPIA SNOWE of Maine. In short, H.R. 4971 is truly bipartisan. That has been the history of this program's support since its inception in 1974 and remains the nature of our consideration today.

As reported by the Committee on Education and Labor by unanimous voice vote, H.R. 4971 would extend the Juvenile Justice Act for 5 additional years and add a new title pertaining to missing children's assistance. Title II, which provides for State and local assistance, would be extended at its currently authorized level. Title III, the Runaway and Homeless Youth Act, would be extended with slight increases each year in order to account for inflation and allow for programs to be continued at their current service level. Very important, new authority is added for a new title IV, the Missing Children's Assistance Act, to begin addressing the needs of missing and abducted children and their parents.

Title II of the Juvenile Justice Act provides for an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice. This title has established a Federal-State-local partnership to develop ways to reduce and prevent delinquency. Given the nature of the problem, it has been remarkably successful.

Americans, it seems to me, seem convinced that juvenile crime is on the increase and Federal efforts have done no good. That is not so. In 1974, nearly half of all serious crime in the United States was committed by juveniles. Today, according to the latest available FBI "Uniform Crime Report," the proportion is less than a third. In fact, the proportion of serious crime committed by juveniles today is at its lowest point since at least 1965.

Moreover, for most offenses, rates of juvenile crime—that is, arrests per 100,000 juveniles—have also fallen. Since 1974, according to an American Justice Institute analysis of FBI and census data, robbery is down by 11 percent; car theft down by 40 percent; arson by 7 percent; burglary by 17 percent; larceny-theft by 19 percent; vandalism down by 22 percent; sex offenses down by 17 percent; drug abuse down by 42 percent; disorderly conduct down by 24 percent; and curfew and loitering violations down by 7 percent. The rates for juvenile murder and rape have been held to the same level. The committee does not contend that the juvenile justice and delinquency prevention program is solely responsible, but certainly the assistance it has given to States and localities has been of considerable assistance. While the problem remains, the committee believes these statistics indicate that the legislation is directed on the right course.

That tells the story from the Federal perspective, but let me tell you what the program means at the State level. Let me tell you what it means to my State—Montana.

In the last 5 years in Montana, there has been a 26.4 percent decrease in the detention rate for crimes against persons; a 43.5 percent decrease for crimes against property; a 60.5 percent decrease for drug offenses; a 55.8 percent decrease for offenses against the public order—such as disturbance of the peace, traffic crimes, driving under the influence of intoxicants—and a 58.7 percent decrease for status offenders.

In all categories the number of youth in Montana detained in jails has decreased 51 percent in the last 5 years. Shelter care has made the difference. Montana has met the mandate to deinstitutionalize 100 percent of status offenders. We are proud of this. And it is this legislation that has created the statistics I have just quoted.

H.R. 497 makes only modest changes in title II, intended to improve the administrative implementation of these programs. Administrative functions would be streamlined, enabling a larger proportion of funds to be allocated to State and local programs. At least 90 percent of the funds appropriated would be available for those programs as compared to about 80 percent under existing law. Federal discretionary grants and contracts would be required to be made on a competitive basis and additional emphasis would be, added, encouraging approaches which seek to strengthen and maintain the family unit. In addition, States would be further authorized to undertake programs designed to provide for the treatment of juveniles' dependence or abuse of alcohol or other addictive or nonaddictive drugs.

The committee has determined that the competitive requirement for discretionary grants and contracts is necessary because of the fact that approximately 80 percent of the awards granted through the discretionary program have been noncompetitive, despite the fact that regulations within the Department of Justice require competition except in exceptional circumstances. Awards were made in areas which do not address the goals of the Juvenile Justice Act. A prime example is the grant awarded for the creation of a national school safety center. That grant was awarded, without competition, despite a continuing dialog here in the Congress about the advisability of putting Federal authority in the classroom to attack assumed school crime and violence. We have scant if any evidence of an increase in school violence. In fact we have significant indications that the trend is down.

Theft in our schools has declined from 12 percent a decade ago to 8 percent today. About two-tenths of 1 percent of the student population is affected by assaults in our schools; about one-tenth of 1 percent of the student population is affected by robbery. Students are between 4 to 8 times safer in our schools than they are in their own homes.

Because of the award of such grants to study an area where there is no evidence of a national problem, the committee has determined that competition must be in place with the discretionary grants and contracts.

Last year, the Runaway and Homeless Youth Act, title III, provided more than 200 shelter facilities nationwide. More than 50,000 youngsters received shelter and another 150,000 who had not yet run received crisis counseling. A national toll-free telephone line was also provided which handled over 200,000 calls from youth and parents seeking help. Perhaps, then, it is not so surprising that since 1974, the arrest rate for runaways has decreased by 32 percent. The Federal effort is working.

H.R. 4971 would make only a few modifications to this important program. During committee consideration, my colleague, Congressman BILL GOODLING made an important improvement which would authorize the Secretary of Health and Human Services to provide additional informational assistance to those seeking to establish runaway centers and authorize the lease of surplus Federal facilities for use by runaway and homeless youth centers.

The committee is particularly proud of the new title IV, the Missing Children's Assistance Act, which was developed through the incorporation of H.R. 4300, the Missing Children's Assistance Act of 1983, introduced by Congressman PAUL SIMON and cosponsored by more than 150 others. The new title has been included in order to provide Federal leadership and assistance in dealing with the large number of children who are removed from the control of parents having legal custody and who may subsequently be placed in grave danger. Administered through the Office of Juvenile Justice and Delinquency Prevention, this program will seek to provide for the coordination of Federal policy and private programs pertaining to missing children and would establish a national toll-free line specifically to address the needs parents of missing or abducted children. It would establish a national clearinghouse and provide State and local assistance aimed at de-

veloping ways to better locate missing children and prevent their abduction.

Mr. Speaker, the committee is proud of H.R. 4971 and the cooperative work from which it has resulted. In closing, let me briefly list a few national, State, and local groups which have voiced support for the reauthorization of this program:

National Governor's Association.
American Bar Association.
National PTA.
American Legion.
Adam Walsh Child Resource Center.
National Association of Counties.
Association for Children with Learning Disabilities.
Camp Fire, Incorporated.
Boys Clubs of America.
National Network of Runaway and Youth Services.
National Youth Work Alliance.
National Criminal Justice Association.
Consortium of Social Science Associations.
Coalition for Law-Related Education.
Illinois Juvenile Justice Commission.
The National YMCA.
National Council of Juvenile and Family Court Judges.
The State Bar of California.
National Steering Committee of State Juvenile Justice Advisory Groups.
Juvenile Services Commission (Salem, Oregon).
Georgetown University Law Center Juvenile Justice Clinic.
Find the Child, Inc.
Child Stealing Research Center (Los Angeles).
Department of Human Services for the City of Chicago.
National Institute for Citizen Education in the Law.
National Coalition for Jail Reform.
Constitutional Rights Foundation.

Mr. Speaker, the committee believes H.R. 4971 deserves the continued support of Congress as well.

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Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a coauthor of the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984, I am delighted to see this bill reach the House floor for consideration. We have worked hard on this legislation in my subcommittee. Throughout the process, I have appreciated the good will and cooperative spirit of the gentleman from North Carolina, the chairman of our subcommittee.

As suggested by its title, H.R. 4971 has three main components—all addressing the needs of youth in trouble. One component of this bill, the Missing Children's Assistance Act, merits special attention here because it is entirely new. Let me address that first.

The disappearance of a child is the most traumatic thing that can happen to a family. I have gained a new appreciation for this by working with John Walsh in the drafting of this measure. The kidnaping and murder of Mr. Walsh's son, Adam, which has become known to millions due to media coverage of that tragedy, shows us that this horror could strike any of our families. Indeed, each year over 50,000 children disappear from their homes. Between 4,000 and 8,000 of these children are later found dead. Very often they have been tortured and murdered like Adam.

The Federal Government can play an invaluable role in safely recovering missing children by assisting local law enforcement agencies. Too many of those agencies are simply ill-equipped and undertrained in dealing with this very special type of problem. This legislation establishes a national resource center and clearinghouse to provide just such technical assistance and to coordinate public and private efforts in locating missing children.

Our children are our future. When they are stolen from us, we must do everything possible to find them. This new initiative is long overdue.

H.R. 4971 also reauthorizes the Juvenile Justice and Delinquency Prevention Act. That act has played an important role in separating youthful offenders from adults in jails. It has also funded research and demonstration projects fo treating juvenile delinquency and controlling juvenile delinquents. This legislation continues these efforts while making a variety of administrative and substantive changes, two of which I would like to discuss briefly.

One change focuses attention on addressing the problem of juvenile delinquency in the context of the family. When dealing with delinquent youth, the family can often be the source of either the problem or the solution. In many cases, grandparents can be especially valuable resources in correcting a troubled young person. By supporting local projects designed to tap these resources, this legislation should help rebuild broken families. Experimental projects in Colorado, Alabama, Pennsylvania, and North Dakota show the potential of this approach for combatting juvenile delinquency. Mr. Speaker, with unanimous consent, I will submit for the RECORD a brief, descriptive summary of these projects at the end of my statement.

Another change of particular interest clarifies the jail removal provisions in this act by providing an explicit, limited exception for rural areas. I hope that this change, along with sensitive administrative interpretations of related provisions, allows this act to address realistically the twin problems of separating youth from adults within jails and, wherever possible, providing separate jails for youth and adults, recognizing that those separate jails may well be in the same building.

The final component of this legislation continues Federal funding for a nationwide network of shelters for runaway youth. While none of these shelters exist in my district, I appreciate that they serve a valuable service in many areas providing safe refuge for vulnerable and troubled runaway children. These shelters provide a bridge toward restoring runaways to their families before they are lured or taken away forever.

This legislation is not perfect, but it is a step in the right direction. The juvenile justice and runaway youth programs have demonstrated their worth and should be reauthorized. The new missing children's initiative should be adopted. I urge all my colleagues to vote for H.R. 4971.

PROJECTS INVOLVING FAMILY-BASED TREATMENT FOR JUVENILE DELINQUENTS: FOR USE ON H.R. 4971

NEW PRIDE, DENVER, CO

New Pride is a program which treats juvenile mutiple offenders who are on probation—and one step from being institutionalized—within the context of their family. The primary goal is to preserve the family and treat the youth in a holistic manner during the course of one year. New Pride, which has operated in the Denver area for 11 years, counsels approximately 120 clients per year on a daily basis. The juvenile and the family undergo diagnostic analysis and needs analysis before entering into a treatment program. The ages of New Pride clients range from 14 to 18 years.

Mr. Tom James, Director of New Pride, estimates that 50% of New Pride completers are never re-arrested, 30% are picked up for questioning and 20% are re-arrested, usually for minor offenses. The project has been so successful, that OJJDP has negotiated with New Pride's private contractor to duplicate this model program in other cities. The cost per client, or family, $4,000.

THE PARENT TRAINING PROGRAM, MOBILE, AL

The Parent Training Program has been in operation for 10 years in the city of Mobile, initially started as a training program for parents to learn behavior modification techniques. The program evolved into a family counseling service. According to Mr. Robert Martin, Director of the program, no federal, state, county or city money has even been used to fund this service. Mr. Martin started the program with existing members of the court staff, and provided training for them in theory and practice. Each family is charged a fee of $30, which is earmarked for future staff training funds. The program would like to conduct a formal evaluation study and model report, which would require receiving federal assistance.

The services of the Parent Training Program are available to all families in the Mobile area. All families who file petitions in the juvenile court of Mobile must participate in the program with their child or else lose the services of the court entirely. Clients also come to the program on their own or from private referrals, i.e. therapists in private practice, or community agencies. The families participate in a 6 week counseling period, and can be referred to private counseling services after completion. All families can repeat the program whenever necessary.

The Parent Training Program staff believe that the significant decrease of status offenders being placed in the detention center is a direct result of their counseling services. In 1975 a study found that the number of status offenders remanded to the

detention center accounted for nearly 60 percent of the population of the center. A recent study just concluded that now only 10 percent of the population at the detention facility are status offenders.

FAMILY COUNSELING UNIT, JUVENILE COURT, MONTGOMERY COUNTY, PA

The Family Counseling Unit, a division of the juvenile court in Montgomery County, Pennsylvania, provides a family counseling service to 50–80 families every year. The juveniles referred to this service are classified as "hard-core delinquents" who would be institutionalized if this program did not exist. The juvenile and their family receive weekly counseling for six to nine months. The probation officers believe that the family counseling approach is the most successful for treating hard-core delinquency.

Officer Tony Guarna, Chief Juvenile Probation Officer, cited one study that compared the results of the first year of operation (1980) with the previous year when no counseling services were available (1979) had the following results: (1) the program reduced the number of institutionalized juveniles charged with delinquency by 23 percent; and (2) the program reported a savings to Montgomery County of $1 million during the first year of the program by providing an alternative to institutionalization for 48 youths. The family counseling service is funded at an annual level of $69,000 by the county.

THE FAMILY THERAPY INSTITUTE, RUGBY, ND, 1975–78

The Family Therapy Institute (FTI) brought status offenders and their families to Rugby from all over the state of North Dakota for short-term, intensive family therapy. The facilities were designed in a typical retreat setting with "dorms"—converted houses for the families—and a Human Services Center which had offices for staff and therapy rooms. Families stayed no less than three days and received approximately 12-14 hours of actual therapy, equivalent to about three months worth of traditional weekly sessions. Families were given therapy assignments and isolated from normal daily pressures that allowed them to focus on working together as a family to understand the problem that brought them to FTI. The grant for this project expired and, despite an extensive search for alternative funding, the program had to modify its services: FTI now operates as an outpatient service at the Good Samaritan Hospital in Rugby. The philosophy of the program has always been to maintain the family unit and provide counseling to the youth and family to enable them to cope and work through their shared problem(s). FTI also sought to deinstitutionalize status offenders.

FTI handled 126 families with a total of 138 youth in a period of 339 service days who had been referred. In reviewing client evaluations of the program, it was found that 75 percent of the adults who were counseled made positive comments about the therapy, such as having come away from the program with a "closer family". The staff of FTI still feels that they could, with the appropriate resources, use their program to deal with other youth-related problems, such as delinquency and/or child abuse and neglect.

□ 1220

Mr. WILLIAMS of Montana. Mr. Speaker, I first want to thank our colleague, the gentleman from Wisconsin, Mr. PETRI, for his diligence and good work on the subcommittee which led to the writing of this bill.

I now yield 4 minutes to our colleague, the gentleman from Illinois, who has played such a critical and major part in the attention that this Congress has now focused upon, the difficulty which missing children and their parents in America are faced with.

It is from the gentleman's work that we have added the missing children title to this legislation, and the committee thanks and commends him.

Mr. SIMON. I thank my colleague from Montana and my colleague from Wisconsin both for their leadership in this as well as the chairman of the subcommittee, Mr. ANDREWS of North Carolina.

I might mention to the Members of the House how I got involved in this missing children problem. I read in the newspaper that a little boy in the State of New York, Eton Patz, went to catch a schoolbus and his parents never heard from him again.

And they were quoted as saying the Federal Government was not doing anything in the way of assistance. And I called the parents and said, "what would you like the Federal Government to do?" And they told me, among other things, that the FBI computer keeps track of missing automobiles but not missing children.

Well, I was sure they were wrong, and I checked into it and found out to my amazement that they were right. I had breakfast with Judge Webster, head of the FBI, and the result was the first Missing Children's Act that plugged a loophole in the law. Now this bill before us includes a second step forward.

Let me add that that first step forward and the second step forward are possible in particular because of the incredible courage of Mr. and Mrs. John Walsh, the parents of little Adam, that a lot of people saw on television.

John Walsh and his wife had not simply grieved; they have come out and said "we are going to do something to protect other children" and I am grateful to them. This bill takes two steps that are significant:

One is, it establishes a center so we will have a place where people can gather information; where they can see if there are patterns developing of missing children in some areas; so we can have intensive police work; and, where parents who do not know where to turn right now; we all think it is something that is never going to happen to us and all of a sudden, it can happen and parents do not know what to do.

How do you get your phones traced, what should you expect from the local police, should you hire a private detective agency? All these practical problems, that is a place that can handle that.

Second, as was pointed out by my colleagues from Montana and Wisconsin, it has an 800 number. So that if people see something they think is a little strange, they can call and report it.

For example, something that came to our office. Where a couple, an older couple saw some people move into the neighborhood and the child, the only child there was told not to speak to anyone else. Now, chances are 9 out of 10 it is just some people with some unusual habits; but maybe it is something more. And these local people would not want to call the local police but they might call an 800 number and provide that information. That information comes together.

So I think we are taking some steps forward here that are of significance.

The first bill plugged this glaring defect. What we are doing now is taking a second step forward, a second step that can ease the problem of unbelievable heartache and tragedy in the lives of children and parents that can happen in your neighborhood or my neighborhood, in your home or my home.

I applaud my colleagues for moving ahead and I hope this House will pass this legislation overwhelmingly.

Mr. WILLIAMS of Montana. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SMITH) who, as a State legislator in the Florida House of Representatives, was perhaps the first, if not, certainly among the first, legislators, State legislators, in the Nation to realize this problem of missing children and to begin to develop a legislative solution.

□ 1230

Mr. SMITH of Florida. Mr. Speaker, today, we are going to consider the Juvenile Justice, Runaway Youth, and Missing Children's Amendments Act of 1984. Among its provisions, the bill will establish a National Missing Children Resource Center with a national toll-free hotline through a $3.3 million grant from the Office of Juvenile Justice and Delinquency Prevention.

Parents want to protect their children from harm. We teach our children the simple rules of safety—do not talk to strangers, do not accept candy or ice cream from strangers, do not let a stranger take you anywhere without a parent's permission. But today, with nearly 2 million children disappearing from their homes annually without a trace, we must take extra precautions—voluntary fingerprinting of children, making children, and parents to be aware of potential dangers, and general rules to follow. Central to the efforts to protect children will be the creation of the National Missing Children Center.

This bill, which addresses our Nation's need to protect our children, provides for the establishment of a toll-free missing children hotline which would be similar to the toll-free runaway hotline. Individuals can report information regarding the location of missing children. The toll-free hotline will be functioning by the end of the summer.

Through this center, Federal, State, and local law enforcement agencies will be able to coordinate their efforts and collect, store, and disseminate information on missing children. It will enable State and local police to conduct programs to increase public awareness about the vulnerability of our children and how to protect them from abduction.

This legislation will make grant funds available to selected public agencies and nonprofit organizations to make education and prevention programs available to parents, children, and their communities. Also, it would provide technical assistance to State and local law enforcement agencies and enhance the procedures of recovering missing children, such as a required waiting period of 24 to 48 hours before State and local law enforcement agencies become involved. Many of the groups currently working to solve this problem will be eligible to receive this funding.

This bill addresses critical services that are not addressed by any State, local, or Federal agency. It is time that the Federal Government and its resources become fully involved in solving this problem. The Office of Juvenile Justice and Delinquency Prevention will guarantee that a coordinated, comprehensive program will exist and assist in solving this problem.

I urge my colleagues to bring the resources and assets of the Federal Government to bear on this important issue. In Florida we did much of this 2 years ago in response to the tragedy of Adam Walsh—the Walshes are my constituents and friends. The success has been gratifying and we are thankful for helping children. Now it is the Federal Government's turn. Let us help save our children.

Mr. PETRI. Mr. Speaker, I have no further requests for time.

Mr. WILLIAMS of Montana. Mr. Speaker, I again would like to thank the Members of the minority, particularly who worked so well with us and we with them in the drafting of this bill.

I want to again tell my colleagues that this act is now one decade old. We are today here reauthorizing it. It is a demonstration that a Federal effort, properly applied, and focused, can make a difference. Juvenile crime, is, despite what many believe, on the decrease not on the increase.

The entire reason for that cannot be laid solely at this legislation, but the last decade of this legislation has demonstrated, in my judgment, that the Federal Government can provide the States and localities with the leadership necessary to help combat what was seen as an almost irresolvable problem, that of significant crime being created by juveniles. That crime rate is now on the decrease and with the reauthorization of this legislation we hope it shall continue to decrease.

● Mr. PERKINS. Mr. Speaker, we are here today to consider H.R. 4971, the reauthorization of the Juvenile Justice Act of 1974 and the Missing Children's Amendments of 1984. I would first of all like to commend my colleague, Congressman IKE ANDREWS, chairman of the Subcommittee on Human Resources for all of his work and dedication to this program. He has done an outstanding job on this bill. I would also like to thank all of my colleagues on both sides of the aisle who have worked on this bill, including Congressman TOM PETRI, ranking Republican member of the subcommittee, for their significant contributions to H.R. 4971.

H.R. 4971 reauthorizes the juvenile justice programs for 5 years with an authorization level of $200,000 for each of these fiscal years. The bill also provides a new definition concerning the term "valid court order." The term "valid court order" means a court order given by a juvenile court judge to a juvenile who has been brought into court. In order to be in violation of a valid court order, the juvenile must first have been brought into court and made subject to a court order. The juvenile in question would have to have received adequate and fair warning of the consequence of violation of the order at the time it was issued. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court order only if they have received their full due process rights as enumerated by the Supreme Court in the re Gault case.

H.R. 4971 requires competition in the awarding of special emphasis grants under the act. In addition, the bill clarifies the provision concerning the removal of status offenders from adult jails. The bill provides that within 3 years after submission of the initial plan that juveniles who are charged with or have committed offenses that would not be criminal if committed by an adult; have committed offenses which are not found to constitute violations of valid court orders; or are such nonoffenders as dependent or neglected children—shall not be placed in secure detention facilities or secure correctional facilities. The bill also provides that beginning after the 5-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lock up for adults, except that the administrator shall promulgate regulations which make exceptions with regard to the confinement of juveniles accused of serious crimes against persons for areas which:

First, are characterized low population density;

Second, have no existing acceptable alternative placement available;

Third, have such low rates of juvenile incarceration characterized by less than two such incarcerations during any given month so as to render compliance within the specified time frame economically infeasible;

Fourth, are in compliance with the provisions of paragraph 13 of this section of the act.

H.R. 4971 also extends the runaway youth programs under the act for an additional 5 years at the following authorization levels; $25,000,000 for fiscal year 1984, $26,250,000 for fiscal year 1985, $27,600,000 for fiscal year 1986, $28,950,000 for fiscal year 1987, $30,400,000 for fiscal year 1988, and $31,900,000 for fiscal year 1989.

The bill requires the Secretary to provide assistance to potential grantees interested in establishing runaway and homeless youth centers. Such assistance shall include information on steps necessary to establish a runaway and homeless youth center, securing space for such center; obtaining insurance, staffing and operating procedures; information on securing local private and public financial support for the operation of such center; and information on the need for the establishment of additional runaway youth centers in the geographical area identified by the potential grantee involved.

In addition, the bill requires the Secretary to enter into cooperative lease agreements with States, localities, and nonprofit private agencies to provide for the use of surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers under certain conditions.

Finally, H.R. 4971 amends the Juvenile Justice Act by adding a new title IV, Missing Children's Assistance Act. This act would require the Administrator of the Office of Juvenile Justice and Delinquency Prevention to make such arrangements as may be necessary to insure that there is effective coordination among all federally funded programs relating to missing children; allocate staff resources which are adequate to properly carry out the responsibilities of the Administrator under this title; compile, publish, and disseminate an annual summary describing and evaluating Federal, State, and local research relating to missing children with emphasis on effective models of local, State, and Federal coordination and cooperation in

locating missing children, effective programs designed to promote community awareness of the problem of missing children, effective programs to prevent the abduction of children, and effective programs which provide treatment and counseling to parents of missing children or to children who have been the victims of abduction.

This act would also require the Administrator to make grants or enter into contracts with public agencies or nonprofit private agencies to establish and operate a national toll-free telephone line by which individuals may report and receive information regarding the disappearance or location or any missing children. In addition, the Administrator would establish and operate a national resource center and clearinghouse to provide technical assistance to local and State governments and agencies, disseminate efforts to locate missing children and reunite them with their families.

Finally, the Administrator is authorized to make grants and to enter into contracts with public or private nonprofit agencies for research, demonstration and service programs designed to educate parents, children and the community in ways to prevent the abduction of children, provide public information to assist in the locating and return of missing children, aid communities in the collection of materials which will be useful to parents in assisting others to identify such children, increase knowledge of and develop effective treatment pertaining to the psychological consequences to both parents and children resulting from the child's abduction, and collect data from selected States or localities on the investigative practices used by law enforcement agencies in cases involving missing children.

This bill authorizes to be appropriated $2,000,000 for fiscal year 1984, $10,000,000 for fiscal year 1985, $10,500,000 for fiscal year 1986, $11,000,000 for fiscal year 1987, $11,600,000 for fiscal year 1988, and $12,250,000 for fiscal year 1989.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to vote for this bill. The Juvenile Justice Act has for 10 years now provided leadership and assistance to States, local governments, and private agencies in developing and implementing effective programs for the prevention and treatment of juvenile delinquency. It has been an extremely successful program. In addition, the need for assistance to deal with the large number of children who are missing is apparent to all of us. This legislation provides a vital step in solving this problem. I urge you again to move swiftly to pass H.R. 4971.●

● Mr. ERLENBORN. Mr. Speaker, I must oppose H.R. 4971.

The legislation before us was reported by the Committee on Education and Labor with several major shortcomings. I believe this legislation should have been considered under an open rule to provide us with the opportunity to consider amendments addressing these shortcomings. For this reason, I urge defeat of H.R. 4971 today, in order to require the proponents of this legislation to bring the bill before the House again in a manner permitting amendments.

I have several concerns regarding the Juvenile Justice and Delinquency Prevention Act program. Let me mention a few.

First, the bill eliminates one of two deputy administrator positions from the Office of Juvenile Justice and Delinquency Prevention. The Department of Justice has informed us of its strong opposition to this provision. Officials there believe that this organizational change will undermine their ability to effectively administer the program. I agree with them. Decisions on the organizational structure of the Department should be left to the Attorney General.

A second concern relates to new restrictions placed on the special emphasis grant program. H.R. 4971 would place certain activities into a "priority" status which would virtually require funding. Some of these activities, such as the development and implementation of model programs relating to the special education needs of delinquent and other youth, to help develop coordinated services in this area locally, are somewhat out of the Department's expertise. Some other areas of grantmaking which currently stand on an equal basis with those now in the "priority" category are placed in a "lower priority" category. Two of the most promising initiatives of the Office of Juvenile Justice and Delinquency Prevention are placed in this category—programs to curtail violence in our schools and programs addressing the problems of violent juvenile offenders. I believe that the restrictions placed on the special emphasis grant program will curtail the ability of the office to make grants where they can be most effective in addressing the needs of juveniles.

A third concern is the repeal of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and the transfer of many of its reporting and advisory functions to a national conference to be held annually consisting of the representatives of the State advisory groups. This change in the act would give a non-Presidentially appointed advisory board the responsibilities which should be performed only by Federal advisory committees.

In addition to listing my concerns with regard to H.R. 4971, I would also like to mention my support for several of the provisions in the legislation.

The legislation authorizes the establishment of a missing children's program within the Office of Juvenile Justice and Delinquency Prevention. This new activity will make a significant contribution in addressing the problem of missing children. This year, more than 2 million American children will be reported missing. Of this number, more than 50,000 are either abducted by strangers or wander off by themselves. This new program, which is strongly supported by the administration, will assist the parents of these children in their efforts to locate them.

I would like particularly to note that the Department of Justice recently announced an initiative in this area at the Office of Juvenile Justice. The provisions in H.R. 4971 would allow the continuation of the activities already underway.

Second, H.R. 4971 places an increased emphasis on involving the families of juveniles, including grandparents, in programs designed to combat juvenile delinquency. This emphasis will result in more effective counseling and services for troubled youth that will strengthen families rather than undermine them. I would like to congratulate the gentleman from Wisconsin (Mr. PETRI), the ranking Republican on the Subcommittee on Human Resources for his work on several amendments made to the act in this regard.

Third, and finally, H.R. 4971 amends the runaway and homeless youth program to provide for special assistance to groups wanting to establish runaway and homeless youth centers in surplus Federal facilities. Under the amendment, the Department of Health and Human Services would make surplus facilities under the control of the Department available to eligible groups desiring to establish shelters for runaway youth.

The gentleman from Pennsylvania (Mr. GOODLING) sponsored this amendment in the committee. I would like to compliment him for developing a constructive approach to making more shelter space available for runaways through the use of unused Federal properties.

In closing, Mr. Speaker, I would again like to express my regret that this bill is being unnecessarily considered on the Suspension Calendar. I think it is very much in need for some amendment and that adoption of a few changes could significantly increase the chances of the President signing this bill later this year.

I urge a "nay" vote on H.R. 4971.●

● Mr. McEWEN. Mr. Speaker, let me express my strong support for H.R. 4971, the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984. This legislation reauthorizes Federal programs essen-

tial to solving the problems that afflict the youth of our Nation. In addition, H.R. 4971 strengthens Federal efforts to address the very serious and tragic problem of missing children. It shows the American people that the Federal Government is prepared to do all in its power to address this national problem with speed and impact.

Under this act, parents of missing children will have access to new resources on the Federal level. A national toll-free telephone line and a national resource center and clearinghouse will provide valuable information to parents, law enforcement officers, and local agencies. State and local efforts to recover missing children will have a helping hand here in Washington. Funds will be allocated for projects to prevent abductions, to recover missing children, and to deal effectively with the problems related to kidnapping and the exploitation of children.

Mr. Speaker, let me urge my colleagues to join this effort to help bring our Nation's missing children safely back home and to help alleviate the pain and suffering of those families involved. H.R. 4971 provides meaningful solutions to a problem that has the potential to affect each one of us and I urge the Congress to act swiftly to pass this legislation.

I have confirmed with the proper officials on the Committee on Education and Labor that a program to treat and prevent juvenile delinquency is eligible for a special emphasis grant from the Office of Juvenile Justice and Delinquency Prevention. This particular program trains graduate students to go into the homes of adjudicated delinquents and teach parents how to be more effective parents. At first, the trainees use specific techniques to gain the trust of the family and establish an atmosphere conducive to positive change. Then these graduates teach specific skills the familes lack, such as communication, problem solving, consistent discipline, reinforcement, contracting, et cetera. The teaching is done in the home and is short.

The program is exceptionally effective in my view. In one area where it has been tested, the recidivism rate for juveniles whose families participated dropped from 57 to 14 percent. The treated group has shown a sixfold drop in felonies, while the probation group showed a sixfold increase in felonies. Out-of-home placements are virtually eliminated, leading to a cost differential of $900 per family in the treated group versus over $5,000 per family per year in the probation group. The treatment cost is a one-time cost, while the $5,000 cost for the probation group is repeated every year.

After initial Federal support to start training, local counties can pay for any future training of new employees with the substantial savings they would realize from reduced out-of-home placements. Thus, the cost effectiveness of this approach guarantees that the program could quickly wean itself from Federal support. I urge my colleagues to support H.R. 4971 which enables programs such as this to address the problems facing our Nation's youth.●

● Mr. ANDREWS of North Carolina. Mr. Speaker, as author and primary cosponsor of H.R. 4971, it will come as no surprise that I support it strongly and urge my colleagues to do so as well. It is an important program and for rather modest Federal investment, when compared with other Federal, State, and local action. Indeed, our early debates with the administration who has opposed the bill, were not on whether the program was working but rather whether it has worked so well that it was no longer needed. I assure you it is still needed, although it has accomplished a great deal.

What has been particularly singularly gratifying about working on this piece of legislation has been the bipartisan, and frankly nonpartisan, cooperation which has accompanied its development. From the staff level up, there has been a concern about youth at risk which exemplifies, in my mind, the best that the legislative process offers the American people. I am proud to have been involved with the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984.●

● Mr. CORRADA. Mr. Speaker, I rise in strong support of the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984. The measure reauthorizes through fiscal year 1989 the Juvenile Justice and Delinquency Act (JJDA) and adds title IV to it regarding missing children.

The programs authorized under the JJDA have been extremely successful in furthering our efforts to protect our troubled youth and help them lead a productive life. Rejection, adult penalties, and the like have proven counterproductive in dealing with our disoriented youngsters. The funds provided to States under the programs have helped finance more enlightened approaches in handling juvenile delinquency. We must continue to foster initiatives like these that are predicated in avoiding placing directly or indirectly long-lasting marks in our juvenile offenders which hamper any possibility of them becoming productive, law-abiding citizens. A 5-year extension of the programs administered by the Office of Juvenile Justice and Delinquency Prevention would reflect our commitment to rescuing our troubled youngsters and understanding that there are no quick fixes or easy solutions to juvenile delinquency. Consistency and dedication must be ever present to secure our success in this quest and should guide the decisions we made on this matter.

Puerto Rico has made great studies in the area of juvenile delinquency thanks to OJJDP funds. Five major programs have been created in this area: Community-based services with alternatives to deinstitutionalization; alternatives to institutionalization; improvement of court services for juveniles; improvement of institutional services for juveniles, and the development, research, training, and evaluation program. A centralized data system on juvenile offenders has also been created to provide the information needed to craft new initiatives to deal with juvenile delinquency. These programs specifically designed to orient and help juveniles who are first offenders have also been established in Puerto Rico through OJJDP funds. Over 1,500 youngsters have received guidance under these programs who otherwise would receive little or no special attention. In addition, we were successful in completely removing juvenile offenders from correctional facilities which is the cornerstone of our juvenile justice and delinquency prevention efforts.

The Missing Children's Assistance Act also warrants our full support. It is long overdue for us to establish an aggressive and coherent national effort to trace missing children and prevent their abduction. The free mobility between States calls for new channels of communication with communities nationwide, a national clearinghouse, and better coordination of nationwide search efforts, all of which would become available if this bill is enacted.

Mr. Chairman, in this overly complicated world in which we are living, the pressure on our youngsters is enormous and cop-outs are on the rise. I, therefore, strongly believe we must continue to sponsor programs crafted to provide guidance and stimulate our young to use their energies and creativity in a positive fashion. In addition, we must carefully address the needs of our troubled youth who have already committed an offense to sidetrack him or her from a life in crime.

The bill before us addresses these concerns in a very constructive fashion. I urge to vote for its passage.●

● Mr. MARRIOTT. Mr. Speaker, I rise in support of H.R. 4971, amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. I am particularly pleased to support two important sections of the bill: Reauthorization of title III, Runaway and Homeless Youth, and title IV—Missing Children's Assistance Act.

As ranking minority member of the Select Committee on Children, Youth, and Families, I have heard how important Federal funds have been used to help start runaway shelters. I also

know that in my own State of Utah these, and other funds appropriated by the act, have helped a great number of troubled youth. These funds have not only helped to provide shelter and services for these children, but more importantly have gone to programs that work to reunite the youth with their families. I applaud my colleagues, Representatives ANDREWS and PETRI, for their efforts to make sure these amendments make an even stronger statement about the importance of working to reunite youth and their families.

Long an advocate for improvement in the available Federal resources to locate missing children, I stand in strong support of the last title of this measure before us today—the Missing Children's Assistance Act. My own constitutents have personally told me of their individual tragedies, of their own children who are missing. Due to my work in the 97th Congress and my position on the Select Committee on Children, Youth, and Families, I have also heard from other families and groups who are concerned about the plight of missing children and their families.

Each hour 205 children will be reported missing throughout the United States. While many of the 2 million missing children each year return to their homes or are found; 50,000 simply vanish annually; 100,000 are victims of parental abduction; 2,500 found slain, 10 percent sexually assaulted (and this figure is rising), thousands of the children are used for prostitution, child pornography or other purposes, and 80 percent of those abducted by strangers die within 2 days. Hundreds of bodies are found each year, but never identified. It is estimated that 20,000 to 50,000 missing children cases remain unsolved annually in our country.

This legislation will bring together experts and professionals on the Federal, State, and local levels to conduct a comprehensive study on the problem of missing children. This bill would bring a national hotline and other coordinated efforts to bear on a tragedy that strikes thousands of children each year.

During the 97th Congress, the first Missing Children's Act was passed by the Congress and signed into law on October 12, 1982. This law allows State and local law enforcement entities to use the FBI's central crime computer in searches for lost children. It also provided for a new file to centralize information on the unidentified bodies of children and adults. As we all saw, so dramatically, in the film depiction of the abduction of Adam Walsh, the computer had been widely and successfully used by police departments across the United States for years to track stolen cars and property, but only sparingly to log information about stolen children.

Today's legislation is the next step, Mr. Speaker. As child searches are often launched too late and lack interagency coordination, they are often doomed. This title initiates an "early-warning" system for missing children and, most importantly, establishes a national policy on this national tragedy.

With approximately $10 million authorized each year in seed money enactment of this bill will:

Set up a national toll-free hotline to gather tips about missing children.

Establish a national resource center giving technical help to State and local governments while spreading the work about successful new approaches in child searches;

Help public and nonprofit agencies launch research, demonstration or service programs such as stranger awareness instruction for youngsters or voluntary fingerprinting efforts.

I feel very strongly, Mr. Speaker, that this is one area where Federal involvement is not only important, but essential if we are to effectively combat this national problem. Coordination of efforts from the Federal level and use of Federal resources will greatly aid the individual States. Most importantly, the States are asking for our aid. They are sympathetic to the plight of the families of missing children—they want to be able to do more. Passage of this legislation will allow them the ability to expand and improve their searches; passage of this legislation will not take the search away from the local level.

It is important that we in Congress not only spend time talking about the difficulties the families of missing children face and the horror stories involving children of all ages, but that we demonstrate that we are willing to do something to help these families in preventing and locating missing children.

Mr. Speaker, I must applaud the efforts of Representative PAUL SIMON who has without a doubt been one of the leaders in this body in our fight to assist missing children. Passage of this legislation today culminates years of work. I hope that this body, not only passes this bill, but passes it unanimously.●

● Mr. ANDREWS of North Carolina. Mr. Speaker, as author and primary cosponsor of H.R. 4971, it will come as no surprise that I support it strongly and urge my colleagues to do so as well. It is an important program and for rather modest Federal investment, when compared with other Federal programs, it has paid remarkable dividends in Federal, State, and local accomplishment. Indeed, our early debates with the administration when they opposed reauthorization (I understand they now support reauthorization), were not about whether the program was working but rather whether it had worked so well that it was no longer needed. Although it has accomplished much, I assure you that it is still needed.

What has been singularly gratifying about working on this legislation has been the bipartisan, and frankly nonpartisan, cooperation which has accompanied its development. From the staff level up, there has been a concern about youth at risk which exemplifies, in my mind, the best that the legislative process offers the American people. I am proud to have been involved with the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984.

In light of such cooperation, it is difficult if not impossible to thank everyone to whom appreciation should be expressed. However, let me particularly mention our committee chairman, Congressman CARL PERKINS, and the ranking minority member of the Subcommittee on Human Resources, Congressman TOM PETRI, of Wisconsin. Both were closely involved in the drafting of the bill and shared their knowledge and experience generously. Also, Congressman PAUL SIMON was most important to our deliberations as we fashioned a separate title on missing children's assistance. Other subcommittee members, particularly Congressman PAT WILLIAMS of Montana, have contributed heavily.

Let me clarify a few points if I may with regard to this legislation and its consideration. As of this morning, I was informed for the first time that the administration, while now supporting reauthorization, was opposing the committee bill because they wanted certain amendments made. Among these amendments were a total reorganization of the Office of Juvenile Justice into a small bureau to be incorporated into a larger crime control superstructure; a two-thirds reduction in the authority for assistance; a 60-percent reduction in authority for runaway and homeless youth programs which could well result in the closing of more than 100 shelter facilities; a provision making missing children's assistance discretionary.

I want to assure my colleagues that these are last minute suggestions and are dilatory, in my opinion, not only to the program but to the legislative process as well. One reason the Congressional Budget Act requires the administration to alert Congress to their requests with regard to reauthorizing programs a year in advance is so that Congress and the public can have a period of review. While the committee has held several public hearings on H.R. 4971, there has been no opportunity for public comment on these suggestions by the administration and I fear that they are only intended as ob-

stacles to our consideration. I ask all the more that you support H.R. 4971.●

● Mr. TOWNS. Mr. Speaker, for many years, numerous State and local governments have sought direction and assistance in developing more effective juvenile justice and delinquency programs. I support H.R. 4971, because it addresses these concerns and attempts to establish a system which would begin to remedy the many problems of the present system.

The primary concern of H.R. 4971 is implementation. Although the bill extends the Juvenile Justice and Delinquency Prevention Act of 1974 for 5 years, it reemphasizes efforts to curtail and prevent juvenile delinquency. One such measure is the increased emphasis placed on programs which seek to address the problem of delinquency and its prevention, by strengthening and maintaining the family unit. This is accomplished by stressing the importance of the role of parents and other family members and their relationship to their children.

Counseling programs and projects designed to treat alcohol and drug dependency and abuse are also addressed in H.R. 4971. As a member of the Select Committee on Narcotics Abuse and Control, this effort by the committee is an attempt to begin to solve this gross problem which plagues our Nation.

Title III, the Runaway and Homeless Youth Act, is strengthened by the placing of additional emphasis on family involvement in counseling related to family reunification.

Title IV speaks to an issue about which all of us have been concerned, that is missing children. Each year the numbers of children who are reported missing increases. This fact warrants action and the proposed measures are such that they begin to establish the necessary steps needed to alleviate the concerns of States, local governments and parents.

I urge you to support this bill, because it is a positive move toward the solution of some of the problems which make up our juvenile justice system.●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 4971, the Juvenile Justice, Runaway Youth, and Missing Children Amendments of 1984. This bill would reauthorize through 1984 the Juvenile Justice and Delinquency Prevention Act of 1974, and provides us with an opportunity to make a solid investment in this country's future—its youth.

Title II of the Juvenile Justice Act created a Federal-State-local partnership to combat juvenile crime and, more importantly, to reduce and prevent delinquency. The latest FBI uniform crime report indicates that the program is achieving results. Today, approximately one-third of all serious crime in the United States is committed by juveniles. This contrasts markedly with the figures for 1974, which showed that nearly half of all serious crime was committed by juveniles. An analysis conducted by the American Justice Institute reveals that juvenile crime rates are down across the board: Robbery is down by 11 percent; car theft down by 40 percent; arson by 7 percent; burglacy by 17 percent; larceny by 19 percent; vandalism by 22 percent; sex offenses by 17 percent; drug abuse by 42 percent; disorderly conduct by 24 percent; curfew and loitering violations by 7 percent; and rates for murder and rape have not risen. I think it is especially important to note that these decreases have occurred in spite of the fact that youth unemployment has risen steadily over that same period.

Title II of the act specifically attacks one of the major contributing factors to juvenile crime and delinquency—runaway and homeless youth. Last year, over 200 shelter facilities were provided nationwide under this title. Over 50,000 youth received shelter and another 150,000 received crisis counseling. A national toll-free hotline handled over 200,000 calls from youths and parents seeking help. Like title II, statistics seem to indicate that results are being achieved; since 1974, the arrest rate for runaways has dropped by a dramatic 32 percent.

In my own State of Massachusetts, junvenile justice funding has been used over the past 10 years in a number of ways to improve the State juvenile justice system. It has helped, for example, in separating juveniles from adults in secure facilities. It has made possible innovative programs like inschool alcohol and drug abuse programs, the success of which are reflected in the fact that the funding for many of these programs has been picked up directly by cities and towns. Under the current funding cycle, more of the same is underway, including six drug and alcohol education and prevention projects, a tourniquent sentencing and treatment program for serious and violent juvenile offenders, five inschool suspension and dropout prevention programs, a project for the mediation of family conflicts employing trained community volunteers, and five specialized family service programs. A comprehensive review of the State's 70-year-old junvenile code has also been undertaken.

H.R. 4971 also adds a new title to the Junvenile Justice Act to address one of our true national tragedies—missing children. Title IV would be added to the act to create a National Bureau of Missing Children, which will serve as a national clearinghouse for information and research.

The statistics speak for themselves as poignant testament to the urgent need for this Bureau. More than 150,000 children are taken annually by estranged parents, and thousands more are abducted by strangers who use the chilren for their own savage purposes. Some 4,000 children are found dead each year, and hundreds of other bodies are discovered but cannot be identified. It is estimated that 20,000 to 50,000 missing children cases remain unsolved each year in the United States.

We are all familiar with the fact that the FBI's central crime computer was used for years to track stolen cars and property, but was inaccessible to efforts aimed at finding missing children. That bureaucratic malfunction was corrected by the Missing Children Act of 1982, and the time is now to press forward with phase II of the battle to reverse the tragedly of missing children.

H.R. 4971 will continue us on the road to diminishing and hopefully ultimately eliminating that percentage of our youth which has in the past been a counterproductive force in our country, and will also help find those children who otherwise may never get a chance to be contributing members of our society. H.R. 4971 is a valuable safeguard protecting our most treasured resource—our youth—and I hope my colleagues will join me in supporting this legislation.●

GENERAL LEAVE

Mr. WILLIAMS of Montana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4971, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. WILLIAMS) that the House suspend the rules and pass the bill, H.R. 4971, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RURAL HOUSING ASSISTANCE ACT OF 1984

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5327) to amend the Housing Act of 1949 to insure that the administration of the requirement that a certain portion of dwelling units assisted under section 502 be available only for very low-income families or persons does not delay the provision of assistance under such section to other families or persons, as amended.

The Clerk read as follows:

H.R. 5327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Housing Assistance Act of 1984".

SEC. 2. Section 502(d) of the Housing Act of 1949 is amended to read as follows:

"(d)(1) For fiscal year 1985 and each succeeding fiscal year (and for fiscal year 1984, to the maximum extent practicable), not less than 40 percent of the dwelling units financed under this section shall be available only for occupancy by very low-income families or persons.

"(2) The Secretary shall establish procedures to carry out paragraph (1) that ensure that—

"(A) the percentage requirement established in such paragraph is complied with by the end of each fiscal year after fiscal year 1984; and

"(B) the provision of assistance under this section to families and persons who are not very low-income families or persons is not delayed by reason of such percentage requirement, unless such delay is necessary to comply with subparagraph (A).

"(3) In accordance with the requirements of section 532, the Secretary shall, in making assistance available under this section, give a priority to processing applications submitted by very low-income families or persons.".

SEC. 3. Section 501(b)(4) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ", except that the Secretary of Agriculture may establish higher or lower income levels for purposes of such terms if the Secretary of Agriculture determines such adjustment to be necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors".

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. GONZALEZ) will be recognized for 20 minutes and the gentleman from Indiana (Mr. HILER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5327, as amended, will clarify several provisions contained in the Housing and Urban Rural Recovery Act of 1983 to permit the Farmers Home Administration section 502 low-income homeownership loan program to proceed as Congress intended without further delay. The bill provides that the requirement calling for 40 percent of the units financed with these loans be met on a national basis only to the maximum extent practicable in fiscal year 1984. It eliminates any targeting requirement from being applied on a State-by-State basis. It restates the processing priority included in the 1983 act to assure that section 502 applications from very low-income families will be expedited as Congress intended. And, it makes clear that the Secretary of Agriculture may adjust upward or downward the family income data for rural areas provided by the Department of Housing and Urban Development, in order to take into account very high or low income and unusually high construction costs when establishing the income eligibility limits for low- and very low-income families.

H.R. 5327, as amended, is intended to insure that section 502 loans will be made in the amount approved by the Congress for fiscal year 1984. At this late point in the fiscal year, almost two-thirds of the funds remain unspent. However, applications are on hand in many FmHA county offices from eligible borrowers who have been waiting for funding of their homeownership loan applications for as much as a year or more. Congress never intended that these persons should be delayed or denied approval of their loan in order to meet the very low income target. FmHA is directed to make special efforts to fund these loans as quickly as possible. This directive does not conflict with the priority given to processing applications from very low income borrowers. This priority would be expected to apply to applications received after November 30, 1983.

The national target requirement is maintained without qualification for fiscal year 1985 and thereafter, because there is evidence that it may realistically be met after a transition period. In fact, many States have approached, and in some cases exceeded, the 40 percent very low income target. Twenty-eight percent of the loans made so far in fiscal year 1984 have been to very low income persons, up from 23 percent in the past fiscal year.

There is some question, however, as to whether FmHA can monitor any strict percentage requirement and in what areas and under what conditions such a percentage requirements is economically feasible. Therefore, the Congressional Budget Office is requested to study the affordability issue and the Government Accounting Office to study the FmHA administrative capacity issue and report to the Congress sufficiently in advance of fiscal year 1985 to permit further changes to be made if necessary on the basis of the findings of these studies. This should avoid any delay in obligating these much needed loans in the amounts made available by the Congress for fiscal year 1985.

The need for this bill is crucial in rural areas. The subcommittee has learned this from its hearing on March 28, 1984, and in its joint hearing with the Manpower and Housing Subcommittee of the Government Operations Committee on April 23, 1984, in Maine. In addition to the hearings, a substantial amount of correspondence was received from realtors, home builders, and borrowers. A large number of Members of the House also contacted the subcommittee and 28 cosponsored the bill. I urge that it be adopted by the House.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority has no objection on H.R. 5327. This bill simply instructs the Farmers Home Administration to administer the section 502 homeownership program in such a way that those who are most in need of assistance receive that assistance but that others who also qualify for assistance can receive help if funds are available.

I should point out Mr. Speaker that the administration is not in favor of H.R. 5327. Their opposition, however, is not to the objective of the bill. They agree with that. They simply prefer the language contained in House Joint Resolution 492, the urgent supplemental appropriations. Both bills accomplish the same thing. Because this is a matter of legislating, I believe an authorization bill is a better vehicle than an appropriation bill.

Last year Congress made the determination we should target 40 percent of the funds for the section 502 Farmers Home Administration program to those who are designated very low income. This means those individuals or families must be at 50 percent or below of area median income.

Such a decision is in line with the administration's overall policy of concentrating our resources on the "truly needy."

Mr. Speaker, I realize legitimate questions can be raised as to whether we should be utilizing Government funds in a subsidized home-ownership program.

Scarce subsidized housing funds perhaps could be better utilized in rental housing assistance programs or in public housing. No one denies that. The fact of the matter is that in many rural areas we have no viable programs of that nature so we are forced to go the homeownership route.

The somewhat imperfect solution then—of targeting these funds—made sense. Unfortunately, last year's legislation has not achieved the results intended.

Whether through lack of available low-cost housing or because the ceiling of 50 percent is simply too low to actually qualify a homeowner, the Farmers Home Administration is having a difficult time meeting the 40 percent target.

At the same time, Farmers Home is maintaining they cannot spend all of the 60 percent of the remaining funds. They can release this portion of the funds, they say, only in proportion to the 40 percent of the funds they have released to qualified very-low-income purchasers.

The result has been a slowdown, and in some States a virtual stoppage, in the utilization of 502 funds. In my home State of Indiana only 32 percent of their allocation has been obligated although we are almost two-thirds of the way through the fiscal year. This was not the intent of last year's legislation.

Let me emphasize one point. Rural individuals or families who qualify for the 60 percent of the funds are low income. They are between 50 and 80 percent of area median income. They are not wealthy. They are in need of Government assistance and that assistance should not be held hostage to what happens to the funds for the very low income.

H.R. 5327 would make it clear these funds are not held hostage. It also removes a State-by-State qualifying requirement.

H.R. 5327 also relaxes the 40-percent requirement for this fiscal year. This provision was added in the Housing Subcommittee after several Members from our side of the aisle had expressed reservations as to whether we should be encouraging—indeed mandating—the administration to make loans that may turn out to be questionable. Hopefully, this situation will not exist in future years as the supply of low-cost manufactured housing becomes more plentiful.

At this point, I might add, Mr. Speaker, that, in my estimation, manufactured housing ultimately offers the main potential for meeting goals such as we had in the original bill.

Mr. Speaker, I urge my colleagues to support H.R. 5327, and I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a distinguished and very able member of this subcommittee.

Mr. FRANK. I thank the gentleman from Texas for yielding, and I want to thank him, as well, for the leadership he has shown in his chairmanship of the Housing Subcommittee in very promptly bringing before the House a sensible legislative solution to an inadvertent problem that was created legislatively last year.

I and many other Members had called to my attention and to our attention the fact that this effort to help the very low income through the rural housing program was partly because of improper drafting initially, but partly also, I think it has to be said, by excessive rigidity at the Farmers Home Administration. We were causing some problems for some of the low-income people as opposed to the very low-income people to whom this was aimed.

So I support the legislation, and I am glad that we bring this forward on a bipartisan basis. I think it represents the best compromise possible in trying to meet several goals: providing houses for those at the low end of the scale while not having that interfere with our ability to help people a little bit above it.

There are a couple of points that ought to be made. First of all, the broad support that exists for this bill is indicative of the broad support that exists for this program. We should be clear, we are talking about a Government housing subsidy program. We hear a lot these days about Government programs that do not work well, and there are some that have not worked well, some that ought to have been abolished, and have been, and some that ought to be cleaned up. This is a program where the Government makes funds available to help low-income individuals purchase housing that they would not otherwise be able to purchase. The hearings that were held by the Housing Subcommittee, the hearings that were held by the Housing and Manpower Subcommittee of the Committee on Government Operations, which I chair—we had one in Maine, at the request of the ranking minority Member—and other information that we got made it very clear that we have here an example of a very successful Government housing program. In fact, the major criticism that we have heard in our hearings on this program is that it is far too small. We ought to be clear that there is a certain irony for many of us in the fact that this became a fight between the low income and the very low income.

It is, to me, a matter of some national embarrassment that last week we debated a military spending bill in the billions, and we billioned here and we billioned there, and we quibbled over issues. Some subsidiary issues last week cost the Government far more than this entire program. It is a program which has shown an ability to provide leverage, to build on the hard work and the initiative of individuals who may have some income problems but who are willing to work hard, willing to invest, willing to take on the responsibility of homeownership, and the broad support that exists for this bill ought to be taken not just as support that the gentleman from Texas has done for the subcommittee in clearing up the specific problem, it ought to be recognized that this is an affirmation that Government programs play an important and necessary role in society as a whole, particularly in the housing area. I hope that the kind of support we are getting for correcting this glitch so that this important program for bringing housing to lower income people at a relatively small amount of money can go forward but the people will understand the broader implications of that.

● Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 5327, the Rural Housing Assistance Act of 1984. This bill will correct an erroneous interpretation given to the Rural Housing Amendments of 1983 by the Farmers Home Administration of the sections establishing spending goals for the section 502 program which has caused severe and crucial delays in the utilization of desperately needed housing construction funds throughout the Nation.

The bill, once enacted, will specify that the percentage of funds which are earmarked for very low income families shall be committed by the end of each fiscal year. Further, the bill specifies that funds for families which are not very low income shall not be delayed by reason of the percentage set-aside for very low income families.

With this clarification, we hope to avoid the problems which many counties now face of withholding of all program funds until the very low income percentage spending goal has been met. In Puerto Rico, we confront the dire prospect of losing close to $50 million of housing construction funds because of this situation.

I have been in contact with officials of the Farmers Home Administration; these conversations lead me to believe that the changes we enact today will be greeted with open arms because of that Agency's commitment to the housing industry and to providing decent shelter for rural America.

Unfortunately for Puerto Rico, we will continue to have problems with this program because of the minimum property standard imposed by FmHA. Again, I have been discussing with agency officials regarding the MPS problem in Puerto Rico and the possibility of utilizing, as the Department of Housing and Urban Development does, the local minimum property standards.

I reiterate my support for this bill, as a first step in making the section 502 program as successful as it once was, and once again, a light of hope for the many low and very low income families across the country who would like to make the American dream of owning their home come true.

However, I urge my colleagues to continue their efforts to improve this program. In particular, I hope we may allow the Agency more flexibility in dealing with particular problems in different areas of the country. Such flexibility would allow better utilization of the resources available to meet the specific needs of the low and very low income families in rural America.●

● Mr. CARPER. Mr. Speaker, I rise in support of the Rural Housing Assistance Act.

In town meetings across my State this spring I heard dozens of stories of families who were being denied homes because of delays in granting mortgage assistance under the Farmers Home Administration's rural low-income homeownership loan program.

Further investigation revealed that the Farmers Home Administration was not approving loans to low-income families because of a well-intentioned requirement Congress included in authorizing the program which requires 40 percent of all housing financed under the rural low-income homeownership loan program to very-low-income families in need of this assistance. Unfortunately, an insufficient number of very-low-income families who applied for 502 assistance could qualify for the program and the Farmers Home Administration refused to release funds to assist low-income families until the 40 percent very-low-income goal was achieved.

This resulted in thousands of families across the Nation being denied 502 assistance and being denied homes.

The Rural Housing Assistance Act which we are considering makes clear that the Farmers Home Administration must make available 502 funds in order to insure that all of those who qualify for assistance receive it. The bill requires that 40 percent of the units financed go to very-low-income families to the maximum extent possible, but release of FmHA funds may not be delayed pending approval of applications from very-low-income families.

Section 502 applications from low-income families across Delaware and across the United States sit in FmHA offices awaiting approval while almost two-thirds of the rural low-income homeownership loan program funds remain unspent. This measure retains the goal of targeting assistance to very-low-income families, but it frees up rural low-income home ownership funds to allow all eligible applicants to gain the American dream of owning their own home.

I strongly urge its passage.●

Mr. HILLIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with this debate on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GONZALEZ) that the House suspend the rules and pass the bill, H.R. 5327 as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Housing Act of 1949 to ensure that the administration of the requirement that a certain portion of dwelling units assisted under section 502 be available only for very low-income families or persons does not delay the provision of assistance under such section to other families or persons.".

A motion to reconsider was laid on the table.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2889) to amend section 306 of the National Historic Preservation Act, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 306 of the National Historic Preservation Act (16 U.S.C. 470w-5) is amended—

(1) by adding at the end thereof the following new subsection:

"(g) Within twelve months after the date of the enactment of this subsection, the executive director of the National Building Museum shall prepare and submit to the Congress a report concerning the activities of the museum. The report shall include—

"(1) recommendations for the long-term management, staffing, and funding of the museum and alternative approaches for its permanent administration, including an analysis of whether the museum should continue in its present organizational and operational status; and

"(2) recommendations for administrative and legislative actions which may be necessary to further the purposes of the museum.";

(2) by striking out "(c)" in subsection (c) and inserting in lieu thereof "(c)(1)";

(3) by adding at the end of subsection (c) the following new paragraph:

"(2)(A) The Secretary is authorized to provide nonmatching grants-in-aid to the Board of Directors of the National Building Museum in amounts not to exceed $1,500,000 for each of the fiscal years 1985 through 1988, for the purposes of maintaining the operations of the National Building Museum during the time the building in which it is located is being renovated and prepared for museum use.

"(B) For the purposes of carrying out this paragraph there is authorized to be appropriated not more than $1,500,000 for each of the fiscal years 1985 through 1988. Appropriations made pursuant to this paragraph may be made without fiscal year limitation, and shall remain available until expended.

"(C) Authority to enter into contracts or make payments under this paragraph shall be effective for any fiscal year only to the extent that appropriations are available for that purpose."; and

(4) by striking out "National Museum for the Building Arts" in subsection (a) and inserting in lieu thereof "National Building Museum".

SEC. 2. Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t.(a)) is amended by striking out the second and third sentences and inserting in lieu thereof "To carry out the provisions of this title, there is authorized to be appropriated not more than $2,500,000 for each of the fiscal years 1985 through 1989.".

SEC. 3. The National Historic Preservation Act is amended by adding at the end thereof the following new section:

"SEC. 308. (a) The Congress recognizes—

"(1) the unique and significant role of The National Learning Center (a private nonprofit institution organized and existing under the laws of the District of Columbia, hereinafter in this section referred to as the 'Center'), and its two operating entities, the Capital Children's Museum, and the Learning Opportunity Center, in meeting the educational and esthetic needs of people of all ages in Washington, District of Columbia, and from throughout the United States and other countries, by providing opportunities for experimental learning and cultural and esthetic awareness through participatory activities;

"(2) the success of the Center in attracting increasing numbers of visitors and support from the private sector; and

"(3) that Federal technical and financial assistance is needed to help provide a basis for the future development of the Center, to help assure adequate maintenance of its physical facilities, and to help encourage increased support from other public and private sources.

"(b)(1) Within eighteen months after the date of enactment of this section, the President of the Center, in consultation with the Secretary of the Interior, the Secretary of Education, the Administrator of the General Services Administration, and the Secretary of the Smithsonian Institution, shall prepare and transmit to the Congress a comprehensive management plan for the Center. The Center management plan shall include—

"(A) recommendations for the development, use, security, and maintenance of the buildings and grounds of the Center, including alternatives for the adaptive use of any structures which have historical significance;

"(B) recommendations for the long-term management, staffing, and funding of the Center and alternative approaches for its permanent administration, including an analysis of whether the Center should continue its present organizational and operational status; and

"(C) recommendations concerning exhibits and collections (including their acquisition, curation, conservation and interpretation), educational and esthetic programs and related recreational activities, research and training, fund raising, publications and other forms of communications, and cooperative activities with other institutions and public and private agencies.

"(2) The management plan shall take into account both the short-term needs and the long-term growth of the Center. The plan shall be divided into five year increments over a twenty year period, and should in-

clude recommendations for additional administrative and legislative actions which may be necessary to further the purposes of the Center.

"(c)(1) The Secretary is authorized to make grants-in-aid to the Center of not more than $500,000 for each of the fiscal years 1985 through 1988, for the maintenance and security of the buildings, grounds, and contents of the Center.

"(2) For the purposes of carrying out the provisions of this subsection there is authorized to be appropriated not more than $500,000 for each of the fiscal years 1985 through 1988.

"(3) Authority to enter into contracts or make payments under this subsection shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.".

SEC. 4. Nothing in this Act shall be construed to prevent the National Buildings Museum, described in section 306 of the National Historic Preservation Act, or The National Learning Center, described in section 308 of such Act, from obtaining Federal funds from any other source.

SEC. 5. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1984.

□ 1250

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2889, as reported by the Committee on Interior and Insular Affairs, would amend the National Historic Preservation Act to provide assistance for the National Building Museum and the National Learning Center, and to reauthorize funding for the Advisory Council on Historic Preservation.

Specifically, the reported bill would amend section 306 of the National Historic Preservation Act to add new provisions providing certain financial assistance to the National Building Museum and directing the preparation of a report to Congress on the activities of the museum, located in the Pension Building in Washington, DC. The report would include recommendations for the long-term management, staffing, and funding of the museum, and for further administrative and legislative actions which may be needed.

The bill would also amend section 212(A) of the National Historic Preservation Act to continue the authorizations for appropriations for the Advisory Council on Historic Preservation at its current level ($2,500,000 annually) for fiscal years 1985 through 1989.

The bill also amends the National Historic Preservation Act to add a new section 308 to provide assistance to National Learning Center, the parent entity of the Capital Children's Museum in Washington, DC. The bill directs preparation of a report to the Congress, within 18 months of enactment, of a detailed comprehensive management plan for the Center. It also authorizes the Secretary of the Interior to make grants-in-aid of up to $500,000 for each of fiscal years 1985 through 1988 for the maintenance and security of the Center.

With regard to the Center, I would like to emphasize that this facility, although only a few years old, has attracted many thousands of young visitors not only from the metropolitan area but from throughout the Nation and from other countries as well. It is rapidly becoming an international as well as national treasure.

With regard to the National Building Museum, I would simply point out that, under a cooperative agreement, the General Services Administration is currently renovating the Pension Building. The Museum, itself through volunteer efforts and donated funds, has begun a wide variety of activities—including exhibits, educational forums and tours—that have attracted increasing attention. The purpose of the bill is to provide Federal seed money for the startup costs for the Museum's programs while the Pension Building is being renovated.

In the case of the Advisory Council on Historic Preservation, at the committee's hearings on the administration's fiscal 1985 budget request, it was pointed out that the authorization for the advisory council will expire in 1984. The reported version of H.R. 2889 therefore includes language that would provide the necessary authorization. The committee also determined that no other legislative changes in the advisory council's authorities are needed at this time.

Before closing, I would like to thank a number of people who have worked so hard on this legislation, particularly Mr. Clinger, who introduced the original bill. I would also like to thank Mr. Clinger's staff person, Mr. James Tapper, and also Ms. Loretta Neumann of the staff of the Subcommittee on Public Lands and National Parks and Mr. Michael DeBord of the Legislative Council's office.

In addition, I would like to recognize Mr. David Childs, chairman of the board, and Mr. Bates Lowry, executive director, of the National Building Museum; Mrs. Esther Coopersmith, chairman of the board, and Mrs. Ann Lewin, president, of the National Learning Center; and Mr. Sam Aldridge, chairman, and Mr. Robert Garvey, executive director, of the Advisory Council on Historic Preservation.

I urge Members to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2889. I would also at this time like to inform the body, and especially on this side of the aisle, that the administration does oppose this legislation. But again, I believe that the chairman has voiced the intent of the bill, and I do support the bill.

Mr. MOODY. Mr. Speaker, I rise today in support of H.R. 2889, the National Historic Preservation Act amendments, which would provide assistance for the National Building Museum and the National Learning Center and would reauthorize the Advisory Council on Historic Preservation. It is a particularly important bill, as it will reinforce the national program to protect our cultural heritage.

H.R. 2889 would authorize $1.5 million in each fiscal year, 1985 through 1988, for grants-in-aid to the National Building Museum in the Pension Building in Washington, DC. Such funds would assist with the start-up cost for the museum's programs while the Pension Building is being renovated. The National Building Museum has already begun a variety of activities that have attracted favorable reviews from the public at large.

The National Learning Center (NLC) has two operating entities: The Capital Children's Museum, well-known and beloved to residents of Metropolitan Washington, DC, and tourists, and the Learning Opportunity Center, a new school opened on March 5 of this year for drop-out youth, age 16 to 21.

The NLC has 250,000 visitors a year at the museum, and is quickly building to 150 students in the school. Both school and museum are innovative models of cultural/educational/recreational programs that supplement, enhance, and offer alternatives to traditional programs. The museum, which is celebrating its fifth year in 1984, has rapidly become known as a leader in its field. It has had requests for technical assistance from educators and cultural leaders in 45 States who want to emulate its programs; and, the U.S. Department of State has sent official parties, including Queens, First Ladies, and heads of State, to see the museum from more than 32 foreign countries.

In a nation that prides itself on being child-centered, it is of the utmost importance that the Capital City have a showcase for programs for children and youth like the programs run by the NLC. For the sake of our national pride, and for the purpose of stimulating innovative thinking in those who run educational, cultural,

and recreational facilities, the NLC must be helped through Federal support for its maintenance costs.

At a time when excellence of our educational system has been called into question, and when our national competitive edge hangs on the caliber of the education of our youth, a model like NLC is an essential spur to the educational models of the 21st century. Over time, we will only be as strong a nation as the children of our Nation are educated and enlightened. Support for the NLC is an investment in our future by providing for our children today.

The funds called for in H.R. 2889, $500,000 a year for each of the next 4 years, is a small price to pay for the sakes of new models in education like those created and run at the NLC. I urge my colleagues to join those who are strongly in favor of supporting this exceptionally fine institution, and to be sure to visit if you have not already done so.

Finally, during the Interior Committee's consideration of the provisions relating to the Advisory Council on Historic Preservation, we carefully reviewed questions that have been raised about the Council's authority to administer the protective process of section 106. It is important to note that our thorough review of the legal issues confirmed our initial judgment that the Council has acted in full accord with the intent of Congress, expressed in 1976 and 1980, when it issued the regulations which currently govern section 106. I trust that our reauthorization of the Council's program, with the attendant expressions of legislative intent, will be sufficient to dispel any doubts that may have been raised on this question.

● Mr. CLINGER. Mr. Speaker, I am delighted to rise in support of H.R. 2889, a bill to amend the National Historic Preservation Act. I will address those sections of the legislation dealing with the National Building Museum, which reflect the bill as introduced, and shall leave comment on the committee amendments to the very able members of the committee.

The sections of H.R. 2889 dealing with the National Building Museum were designed with a dual purpose. First, the bill authorizes an appropriation of not more than $1,500,000 for each of the fiscal years 1984 through 1987, for the purpose of maintaining the operations of the National Building Museum during the time that its new home, the old Pension Building, is being renovated for museum use. The second purpose is to change the name of the museum from the "National Museum of the Building Arts" to the "National Building Museum" as it is popularly called.

During the next 4 years the National Building Museum will be entering a critical period of its development as a new national institution devoted to improving our country's built environment by better educating our citizens. Already the museum has made giant strides in exhibition and data collection as well as publication of an award winning quarterly magazine. That the museum is ready to enter this critical development stage only 4 years after the House of Representatives along with the President and the other body gave the museum its mandate of existence, is due to the extraordinarily enthusiastic reception the general public has given to the idea of such an institution and to the determination of a group of dedicated, mostly volunteer workers. Today they can take pride, Mr. Speaker, in having laid the foundations for an institution that will be truly national in scope and that will do credit to the impressive architectural showcase—the old pension building—that the Congress has entrusted to it.

For the National Building Museum to properly fulfill the mandate Congress has dictated, some additional assistance from the Federal Government is essential. The operating funds authorized in H.R. 2889 for the museum will provide the Federal seed money which has always been considered vital for the realization of the museum. Over the next 4 years, the life of the authorization period in this bill, the museum will be witnessing the repair and renovation of the Pension Building. Consequently, it will be most difficult for the museum to operate as fully or visibly as it will upon completion. This period of physical renovation and institutional development of the museum is one that is especially demanding on the museum and is a period that deserves our care and understanding.

Mr. Speaker, I want to stress to my colleagues that the moneys authorized here will serve as important seed money for the already aggressive efforts to secure funds from the private sector. Indeed, the museum's board of directors is currently committed to raising $1.5 million from among its own members for the museum's support. As I have indicated, the Building Museum has enjoyed the continued support of the public—from the building trades unions to the construction industry and the professional architects. It is now up to us to insure this modest Federal downpayment for a worthy program of nationwide public and private import. I urge all my colleagues to join in this effort in support of our built environment and vote to pass H.R. 2889.●

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 2889, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the National Historic Preservation Act, and for other purposes."

A motion to reconsider was laid on the table.

OREGON WILDERNESS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1149) to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

That this Act may be referred to as the "Oregon Wilderness Act of 1984".

SEC. 2. (a) The Congress finds that—

(1) many areas of undeveloped national forest system land in the State of Oregon possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II) of national forest system lands in the State of Oregon and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second roadless area review and evaluation of national forest system lands in the State of Oregon and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this Act are to—

(1) designate certain national forest system lands and certain public lands in the State of Oregon as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve

the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other national forest system lands in the State of Oregon be available for nonwilderness multiple use.

SEC. 3. In furtherance of the purpose of the Wilderness Act the following lands in the State of Oregon comprising approximately eight hundred fifty-nine thousand six hundred acres and as generally depicted on maps appropriately referenced, dated May 1984; are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Mount Hood National Forest, which comprise approximately thirty-nine thousand acres, are generally depicted on a map entitled "Columbia Wilderness—Proposed", and which shall be known as the Columbia Wilderness;

(2) certain lands in the Mount Hood National Forest, which comprise approximately forty-four thousand six hundred acres, are generally depicted on a map entitled "Salmon-Huckleberry Wilderness—Proposed", and which shall be known as the Salmon-Huckleberry Wilderness;

(3) certain lands in the Mount Hood National Forest, which comprise approximately twenty-four thousand acres, are generally depicted in a map entitled "Badger Creek Wilderness—Proposed", and which shall be known as the Badger Creek Wilderness;

(4) certain lands in the Mount Hood National Forest and the Willamette National Forest, which comprise approximately thirty-four thousand nine hundred acres, are generally depicted on a map entitled "Bull of the Woods Wilderness—Proposed", and which shall be known as the Bull of the Woods Wilderness;

(5) certain lands in the Siuslaw National Forest, which comprise approximately five thousand eight hundred acres, are generally depicted on a map entitled "Drift Creek Wilderness—Proposed", and which shall be known as the Drift Creek Wilderness;

(6) certain lands in the Siuslaw National Forest, which comprise approximately seven thousand four hundred acres, are generally depicted on a map entitled "Rock Creek Wilderness—Proposed", and which shall be known as the Rock Creek Wilderness;

(7) certain lands in the Siuslaw National Forest, which comprise approximately nine thousand three hundred acres, are generally depicted on a map entitled "Cummins Creek Wilderness—Proposed", and which shall be known as the Cummins Creek Wilderness;

(8) certain lands in the Umpqua National Forest, which comprise approximately nineteen thousand one hundred acres, are generally depicted on a map entitled "Boulder Creek Wilderness—Proposed", and which shall be known as the Boulder Creek Wilderness;

(9) certain lands in the Umpqua and Rogue River National Forests, which comprise approximately thirty-three thousand two hundred acres, are generally depicted on a map entitled "Rogue-Umpqua Divide Wilderness—Proposed", and which shall be known as the Rogue-Umpqua Divide Wilderness;

(10) certain lands in the Willamette National Forest, which comprise approximately thirty-nine thousand two hundred acres, are generally depicted on a map entitled "Waldo Lake Wilderness—Proposed", and which shall be known as the Waldo Lake Wilderness;

(11) certain lands in the Willamette National Forest, which comprise approximately four thousand eight hundred acres, are generally depicted on a map entitled "Menagerie Wilderness—Proposed", and which shall be known as the Menagerie Wilderness;

(12) certain lands in the Willamette National Forest, which comprise approximately seven thousand five hundred acres, are generally depicted on a map entitled "Middle Santiam Wilderness—Proposed", and which shall be known as the Middle Santiam Wilderness;

(13) certain lands in and adjacent to the Siskiyou National Forest which comprise approximately seventeen thousand two hundred acres, are generally depicted on a map entitled "Grassy Knob Wilderness—Proposed", and which shall be known as the Grassy Knob Wilderness;

(14) certain lands in the Siskiyou National Forest, which comprise approximately three thousand four hundred acres, are generally depicted on a map entitled "Red Buttes Wilderness—Proposed", and which shall be known as the Red Buttes Wilderness;

(15) certain lands in the Rogue River and Winema National Forests, which comprise approximately one hundred sixteen thousand three hundred acres, are generally depicted on a map entitled "Sky Lake Wilderness—Proposed", and which shall be known as the Sky Lakes Wilderness;

(16) certain lands in the Ochoco National Forest, which comprise approximately five thousand four hundred acres, are generally depicted on a map entitled "Bridge Creek Wilderness—Proposed", and which shall be known as the Bridge Creek Wilderness;

(17) certain lands in the Ochoco National Forest, which comprise approximately seventeen thousand four hundred acres, are generally depicted on a map entitled "Mill Creek Wilderness—Proposed", and which shall be known as the Mill Creek Wilderness;

(18) certain lands in the Ochoco National Forest which comprise approximately thirteen thousand four hundred acres, are generally depicted on a map entitled "Black Canyon Wilderness—Proposed", and which shall be known as the Black Canyon Wilderness;

(19) certain lands in the Wallowa-Whitman and Umatilla National Forests, which comprise approximately one hundred twenty-one thousand four hundred acres, are generally depicted on a map entitled "North Fork John Day Wilderness—Proposed", and which shall be known as the North Fork John Day Wilderness;

(20) certain lands in the Umatilla National Forest, which comprise approximately twenty thousand two hundred acres, are generally depicted on a map entitled "North Fork Umatilla Wilderness—Proposed", and which shall be known as the North Fork Umatilla Wilderness;

(21) certain lands in the Malheur and Wallowa-Whitman National Forest, which comprise approximately nineteen thousand eight hundred acres, are generally depicted on a map entitled "Monument Rock Wilderness—Proposed", and which shall be known as the Glacier Wilderness;

(22) certain lands located in the Salem District of the Bureau of Land Management, Oregon, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "Table Rock Wilderness—Proposed", and which shall be known as the Table Rock Wilderness;

(23) certain lands in the Willamette and Mount Hood National Forests, which comprise approximately six thousand eight hundred acres, are generally depicted on a map entitled "Mount Jefferson Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Mount Jefferson Wilderness as designated by Public Law 88-577;

(24) certain lands in the Willamette and Deschutes National Forests, which comprise approximately six thousand four hundred acres, are generally depicted on a map entitled "Mount Washington Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be part of, the Mount Washington Wilderness as designated by Public Law 88-577;

(25) certain lands in the Willamette and Deschutes National Forests which comprise approximately thirty-eight thousand one hundred acres, are generally depicted on a map entitled "Three Sisters Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Three Sisters Wilderness as designated by Public Laws 88-577 and 95-237;

(26) certain lands in the Fremont National Forest which comprise approximately four thousand one hundred acres, are generally depicted on a map entitled "Gearhart Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Gearhart Mountain Wilderness as designated by Public Law 88-577;

(27) certain lands in the Malheur National Forest which comprise approximately thirty-five thousand three hundred acres, are generally depicted on a map entitled "Strawberry Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed a part of, the Strawberry Mountain Wilderness as designated by Public Law 88-577;

(28) certain lands in the Wallowa-Whitman National Forest which comprise approximately sixty-six thousand five hundred acres, are generally depicted on a map entitled "Eagle Cap Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Eagle Cap Wilderness as designated by Public Laws 88-577 and 92-521;

(29) certain lands in the Wallowa-Whitman National Forest, which comprise approximately twenty-two thousand seven hundred acres, are generally depicted on a map entitled "Hells Canyon Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be part of, the Hells Canyon Wilderness as designated in Public Law 94-199;

SEC. 4. (a) In order to conserve, protect, and manage, in a substantially undeveloped condition, certain national forest system lands in the State of Oregon having unique geographic, topographic, biological, ecological features and possessing significant scenic, wildlife, dispersed recreation, and watershed values, there is hereby established, within the Umpqua, Willamette, Winema and Deschutes National Forests, the Oregon Cascades Recreation Area (hereinafter referred to in the Act as the "recreation area").

(b) The recreation area shall comprise approximately one hundred fifty six thousand nine hundred acres as generally depicted on a map entitled "Oregon Cascades Recreation Area" dated March 1984. Except as oth-

erwise provided in this section, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall administer and manage the recreation area in accordance with the laws and regulations applicable to the National Forest System so as to enhance scenic and watershed values, wildlife habitat, and dispersed recreation.

(c) The recreation area shall be managed in accordance with plans prepared in subsection (g) to:

(1) provide a range of recreation opportunities from primitive to full service developed campgrounds;

(2) provide access for use by the public;

(3) to the extent practicable, maintain the natural and scenic character of the area; and

(4) provide for the use of motorized recreation vehicles.

(d)(1) Subject to valid existing rights, all mining claims located within the recreation area shall be subject to such reasonable regulations as the Secretary may prescribe to insure that mining activities will, to the maximum extent practicable, be consistent with the purposes for which the recreation area is established. Any patent issued after the date of enactment of this act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary shall prescribe.

(2) Effective January 1, 1989, and subject to valid existing rights, the lands located within the recreation area are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to the mineral leasing and geothermal leasing and all amendments thereto.

(e) Within the recreation area, the Secretary may permit, under appropriate regulations those limited activities and facilities which he determines necessary for resource protection and management and for visitor safety and comfort, including—

(1) those necessary to prevent and control wildfire, insects, diseases, soil erosion, and other damaging agents including timber harvesting activities necessary to prevent catastrophic mortality from insects, diseases or fire;

(2) those necessary to maintain or improve wildlife habitat, water yield and quality, forage production, and dispersed outdoor recreation opportunities;

(3) livestock grazing, to the extent that such use will not significantly adversely affect the resources of the recreation area;

(4) salvage of major timber mortality caused by fire, insects, disease, blowdown, or other causes when the scenic characteristics of the recreation area are significantly affected, or the health and safety of the public is threatened, or the overall protection of the forested area inside or outside the recreation area might be adversely affected by failure to remove the dead or damaged timber;

(5) those developments or facilities necessary for the public enjoyment and use of the recreation area, when such development or facilities do not detract from the purposes of the recreation area; and

(6) public service land occupancies, including power transmission lines, provided there is no feasible alternative location, and, the Secretary finds that it is in the public interest to locate such facilities within the recreation area.

(f) The following lands within the recreation area are hereby designated as wilderness and therefore as components on the National Wilderness Preservation System, and shall, notwithstanding any other provisions of this section, be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act: Certain lands in the Umpqua, Willamette, and Winema National Forests which comprise approximately fifty-five thousand one hundred acres, are generally depicted on a map dated March 1984, entitled "Mount Thielsen Wilderness—Proposed", and which shall be known as the Mount Thielsen Wilderness; and certain lands in the Willamette and Deschutes National Forests, which comprise approximately fifteen thousand seven hundred acres, are generally depicted on a map dated March, 1984, entitled "Diamond Peak Wilderness additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Diamond Peak Wilderness as designated in Public Law 88-577.

(g) Management direction for the recreation area shall be developed in either the forest plans developed for the Umpqua, Winema, Deschutes and Willamette Forests in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, or in an integrated management plan that shall be prepared within three years from the date of enactment of this Act and revised in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. Any plan developed by the Secretary for the recreation area shall identify and designate specific and appropriate areas and routes for the use of motorized recreation vehicles within the recreation area.

SEC. 5. (a) As soon as practicable after this Act takes effect, the appropriate Secretary shall file the maps referred to in sections 3 and 4 of this Act and legal descriptions of each wilderness area designated by sections 3 and 4 of this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture; and the Director, Bureau of Land Management, Department of the Interior.

(b) Subject to valid existing rights, each wilderness area designated by sections 3 and 4 of this Act shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that, with respect to any areas designated in sections 3 and 4 of this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

SEC. 6. Congress does not intend that designation of wilderness areas in the State of Oregon lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from the areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 7. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest system roadless areas in Oregon and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Oregon, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Oregon;

(2) with respect to the national forest system lands in the State of Oregon which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), and those lands referred to in subsection (d), except those lands remaining in further planning or special management pursuant to section 4 of this Act upon enactment of this Act, that review and evaluation or reference shall be deemed for the purpose of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans, but shall review the wilderness options when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Oregon reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for special management pursuant to section 4 of this Act or remaining in further planning upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: Provided, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the land management plans;

(4) in the event that revised land management plans in the State of Oregon are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation, need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Oregon for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) those national forest system roadless lands which were evaluated in the Mount Hood, Siskiyou, Umatilla, Umpqua, Wallowa-Whitman, Willamette, and Winema National Forests in the State of Oregon which were evaluated in the Eagle Creek; Roaring River; Mount Butler-Dry Creek; Oregon Butte; Cougar Bluff-Williams Creek; Grand Ronde; Wallowa Valley; Willamette; or Chemult unit plans; and

(2) national forest system roadless lands in the State of Oregon which are less than five thousand acres in size.

SEC. 8. Subject to valid existing rights, the Federal lands within the Mill Creek watershed roadless area identified in the Oregon Butte Unit Plan, which is located in Wallowa and Umatilla Counties in Oregon, are hereby withdrawn from all forms of location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1149 as amended by the Senate. Although the bill designates some 280,000 acres less wilderness or other conservation system land than the House-passed measure did, I support it as an adequate compromise. I am gratified that Senators HATFIELD and PACKWOOD substantially agreed with the House concerns and proposals on such key areas as Salmon-Huckleberry, Menagerie, Rogue-Umpqua Divide, Table Rock, Grassy Knob, Monument Rock, and Waldo. Their efforts to meet our concerns are appreciated, and I would especially commend Senator HATFIELD for his prominent role in responding to our suggestions vis-a-vis those areas. It is our further understanding that the Senator will work with the California Senators to make a minor boundary adjustment in the Red Buttes wilderness proposal when the California bill is considered in the Senate so that the Oregon and California portions of Red Buttes area will be contiguous.

I would further express my appreciation that the Senate committee report instructs the Forest Service to exercise special care in planning for the future of several roadless areas not included as wilderness in the bill before us, but which were proposed for wilderness in the House-passed bill. These include Joseph Canyon and areas adjacent to the proposed Rouge-Umpqua Divide and North Fork John Day Wildernesses. The North Fork John Day Area is of particular concern because of its paramount fisheries values. I personally visited the area in 1981 and can attest to its superlative fisheries and wildlife values. I personally visited the area in 1981 and can attest to its superlative fisheries and wildlife values. As was stated in the House committee report on the bill—

> The undisturbed nature of these watersheds provides the highest quality water possible. The areas act like a giant sponge to hold and release the cold, clean water slowly, thereby maintaining substantial late season flows for fish and irrigation needs for a large part of northeastern Oregon. * * * the North Fork John Day River System is the most productive salmon and steelhead drainage left in Oregon; 90 percent of the Chinook and 70 percent summer steelhead in the entire John Day systems are produced in the North Fork Drainage. The river's sport and commercial fisheries values alone are estimated at over $500 million annually.

Thus, as the measure before us today includes only 121,000 of some 350,000 acres of roadless resource in the North Fork area in wilderness, I would add my strong endorsement of the Senate report language covering the rest of the area.

In short, like many other ecosystems in our Nation, the North Fork John Day watershed has been developed to the point where any future disruption could prove disastrous to the fishery and wildlife resource. Thus, even if future timber harvest is limited to helicopter logging only, the forest Service will have to carefully assess the impact that removal of the timber cover would have on stream temperatures. Road construction will have to be even more carefully limited so as to avoid increased stream siltation, landslides, and so forth.

In summary, Mr. Speaker, we are concurring in the Senate's North Fork proposal because it protects the core of the watershed as wilderness and because we are willing to give the Forest Service a chance to demonstrate that it can protect the fisheries values through careful land management planning. However, if future evidence indicates that the watershed is continuing to deteriorate, Congress may revisit the issue.

In conclusion, I urge my colleagues' support of H.R. 1149, as amended, and yield to the gentleman from Oregon to further elaborate on the legislation.

Mr. WEAVER. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank the chairman of the subcommittee, and to say that all the wilderness legislation that has passed this body in the past few years is a remarkable tribute to the efforts, the diligence, the painstaking work of the gentleman from Ohio. He has made so many field trips that have taken of his time and energy to go throughout the country to examine personally the areas in this country that have come into legislation that has been enacted or is about to be enacted into wilderness.

I think we all owe him a great debt of thanks and I know I have my personal, deep personal appreciation of his great efforts.

Mr. Speaker, I support this compromise bill that has been agreed upon between the Members of the other body from Oregon, and the Members that have agreed to it; my colleagues, Mr. AUCOIN. Mr. WYDEN, and myself. It is, I think, a great achievement to now finally be passing the Oregon RARE II wilderness bill. I would like to say though, that deep in my heart still lies the feeling that I would like to have had every acre in the House bill. I feel that these areas that were lodged in the House bill are of great importance to our fisheries, to wildlife habitat, to science, as well as to scenic beauty.

But it was not to be; there are other values and other political components, and the compromise we made is still one that we can agree on, and rest with. I would like to say, however, and I would like also to mention that with the passage of this bill, that the areas outside of the wilderness preservation areas will now be released from any consideration for wilderness by language in the bill.

I would like to point out to the U.S. Forest Service, as well as other land managers, that they, the Forest Service, recognize the superior values of all the areas originally in the House bill, and manage them carefully. Keep in mind that Oregon fisheries and wildlife are dependent on how they manage these forests, and these in particular, the areas in the House bill that did not make it into the final version, be most carefully managed for the values that reside in them as not just commercial timber harvest.

If multiple use is to mean anything other than just logging, the forest plans for the areas not included in this bill, we should focus special management to protect the scenic recreation fisheries and wildlife values. This is especially the case in areas like the North Fork of the John Day, that we

had hoped would have several hundred thousand acres, and in areas on the coastal region that are so susceptible to soil erosion, such as Washington Creek, that I had hoped to place in this bill, whose fish streams are in jeopardy from gigantic slides.

I conclude, Mr. Speaker, by saying that the achievement is here; we are glad the day has come, and we are proud that the Oregon Wilderness bill is about to become law.

□ 1300

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to the Oregon wilderness bill as passed by the Senate.

The argument will be made today that this bill is a "compromise which will end the wilderness debate in Oregon." If you believe that, you are not paying attention to what is already happening in our committee and in those States that supposedly resolved their wilderness issue years ago. It comes back at you! And you can rest assured that this bill is only the beginning for Oregon.

BLM now has under study 2.3 million acres for wilderness in Oregon.

The Park Service is looking at 127,000 acres for wilderness; and

Even the Fish and Wildlife Service has a wilderness area proposed in Oregon.

The second point that needs to be brought out is that two of the Members in whose districts a large portion of the areas are located are opposed to the bill. The gentleman from Oregon (BOB SMITH) has approximately 565,000 acres in his district, or roughly 65 percent of the bill. He is not in support of all the areas and is not being afforded an opportunity to alter this proposal. The gentleman from Oregon (DENNY SMITH) has roughly 10 percent of the bill and he opposes it. It is difficult for me to believe this is truly a compromise without opposition.

The acreage in the bill is reportedly a compromise. But let us look at how we reached this figure. In 1979, RARE II recommended 415,000 acres for wilderness. The other body reported a bill out of committee that year proposing 506,000 acres for wilderness. It went nowhere in the House in that Congress. In December 1982, during the lameduck session, an attempt was made to hastily pass a 1,006,375-acre Oregon wilderness bill. It was defeated under suspension of the rules. Three months later, the House passed the same bill. This Congress, the House added to it and passed a bill totaling 1.2 million acres.

Now, we are considering a bill at 858,000 acres which we are told is reasonable and is being called a "compromise." It is more than double the RARE II recommendation. It is 352,000 acres larger than the original Senate bill and only slightly smaller than the 97th Congress' House-passed bill. They don't get smaller; they just lose their "shock effect" as we repeat the process.

It is like the guy testing the microphone at the budget hearings who says: "Testing * * * 1 billion * * * 2 billion * * * 3 billion." Pretty soon, it is just numbers.

We are also told that the impact on the timber industry is slight. The bill will reduce the annual programed harvest of timber by approximately 143 million board feet of timber.

This may seem small to some people when compared to the entire sales program in Oregon; but if it costs one job, it is too much. These areas already have severe unemployment problems and do not need more.

I urge my colleagues to listen to the Members whose districts are affected, and reject this bill. If you want an Oregon wilderness bill, let us really have a compromise. Let us cut out the areas they oppose, the areas the people they represent oppose, and let us come forth with a bill that would be truly a compromise and not one that is three times as large as the one originally proposed.

At this time, Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DENNY SMITH).

Mr. DENNY SMITH. Mr. Speaker and Members of the House: Today is a sad day, in my estimation. I am a lifetime Oregonian. I have lived in eastern Oregon in a number of communities. I no longer am the representative of the Second Congressional District as I was in 1981 and 1982 when I was able to defeat the attempt by the majority to thrust a wilderness bill on us in 1982 during the lameduck session.

We again have this bill on the suspension calendar without an opportunity to allows us, as a minority, to work through the process of the House in trying to modify this proposal. This is not a great compromise, it is not a great achievement; it is an achievement only by the forces who would like to lock up the opportunity of our children.

I do not care how long we argue about this bill, and we obviously are not going to argue about it very long since I believe we have 40 minutes, 20 minutes to the minority and 20 minutes to the majority. This legislation is going to do away with a number of jobs. It might not do away with jobs particularly right now, but this affects the future of our children, the future of my State, and the future of Oregonians.

Today, we have some 9.1-percent unemployment in the State of Oregon. This is just a number, as the gentleman from Alaska (Mr. YOUNG) said earlier. Numbers sometimes do not really take into effect and into account the people involved. We have some 130,000 Oregonians who are unemployed. Many of those who are unemployed are in the timber industry or have tried to make their living in the timber industry.

I think this is a travesty, that we would, at this time, lock up something that is an Oregon heritage, something we could protect through proper management. I defy those people who are not Oregonians to look at what we have done with our State and say that we have done anything but a good job of protecting our environment. We have not chopped down all the trees in my State. We have done a very good job of managing very skillfully, even with the Federal Government involved in owning some 55 percent of the land area of our State.

I think it is extremely important that we skillfully manage these Federal lands. However, with 1.2 million acres in wilderness, we have difficulty here in managing our land, our heritage, our future. We see efforts now to exceed the original RARE II recommendations of 416,000 acres, which now consists of about 360,000 acres. The RARE II recommendations were very skillfully drawn. There were reasons why lands were included. There were reasons that the RARE II recommendations were no larger. The lands did not meet the wilderness criteria.

So what do we have? We have a proposed wilderness acreage now of some 950,000 acres of which only 363,000 acres met the requirements for wilderness. RARE II findings were established with millions of dollars of taxpayers' funds expended trying to figure out what we were going to do with those lands.

I just do not see this as a compromise. Why are we always putting more land into wilderness? What is going to happen here in the future? We have another potential wilderness bill out there. BLM has 2.3 million acres under protection as "wilderness study areas." The National Park Service has 127,000 acres of proposed wilderness, and the Fish and Wildlife Service has some 46,500 acres proposed.

What is the price we are going to pay to get sufficiency and release language? This bill will solve it for the moment, but we have some 3.4 million acres that the wilderness advocates have told me in public meetings that they still want designated as wilderness. I would just say that with Oregon's net outflow of population in the last year or so of some 60,000 and the lack of inflow of some 120,000, I think this is the wrong thing to be doing at this time, and yet I support a responsible environment.

Mr. AUCOIN. Mr. Speaker, will the gentleman yield?

Mr. DENNY SMITH. I yield to my colleague, the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. I appreciate the gentleman yielding.

Mr. Speaker, the gentleman makes a statement about the good job that the Government is doing in managing these Forest Service lands. I would have to tell the gentleman I think in many instances they are doing a good job. But I find it strange that the gentleman would use that as an argument against the wilderness bill that is before us inasmuch as he has voted against the Department of the Interior appropriations bill which puts up the money for that management each and every year since he has come to the Congress.

Mr. DENNY SMITH. As my colleague knows, since he is on the Committee on Appropriations, almost always the appropriations process delivers to us a bill that is either over last year's spending or is greater than the administration has requested.

Mr. AuCOIN. If the gentleman will yield further, I would say to the gentleman that this bill has come in under the administration's request and the gentleman has still voted against them. So I do not know how the gentleman can use the Forest Service management as an argument against the bill.

Mr. DENNY SMITH. I think we should level spending and freeze the budget right across the board.

□ 1310

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. DENNY SMITH. I am happy to yield to my colleague, the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, I thank the gentleman for yielding.

I am appalled by the things he is saying. He talks about jobs when there is only 150 million board feet of allowable cut in this wilderness area, and most of that in the high reaches where it is difficult to get to, when we export 3 billion board feet, 3,000 million board feet, a year, and the gentleman refuses to oppose the export of our logs, the export of our richness. And that is what? That is 50 times as much timber as in this wilderness bill, and the gentleman says nothing about that.

Mr. DENNY SMITH. I think the gentleman has——

Mr. WEAVER. Mr. Speaker, if I may have 1 more second, we have 18 billion board feet right now in region 6 that is under contract and unharvested because the markets will not take it. That is 18 billion board feet, something like 50 times the timber.

Mr. DENNY SMITH. Mr. Speaker, if I may reclaim my time, I think this legislation is not a great achievement and it is not a great compromise; it is an additional lockup of resources that our children should be able to take advantage of the opportunity and incentive that this society started with.

So my disagreement is that we should not be approving this kind of a lockup of our resources at this time. I do resent this bill being brought through on the Suspension Calendar. I think it should be brought back and dealt with in the committee.

Mr. Speaker, I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield myself 1 minute.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. Seiberling) is recognized for 1 minute.

Mr. SEIBERLING. Mr. Speaker, I would simply point out that the bill that we are dealing with has already been considered by the House under an open rule, and it was passed by a vote of 252 to 93. And this bill as it comes back from the other body has 280,000 acres less than the House-passed bill, and it also has the compromise release language in it that is supported by the Forest Service and was worked out by the chairman of the Senate Energy and Natural Resources Committee.

So any idea that there is some great imposition by not taking it up under a rule again seems to me to be absurd. I just think the record ought to show that.

Mr. Speaker, I now yield 5 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Speaker, I hope that my colleagues will again support the passage of the bill that does represent a consensus, a bipartisan consensus, on the part of the entire Oregon delegation.

Both Republican Senators support this bill that is before us today, make no mistake about it. The Republican Governor of Oregon does not want to see this bill defeated. He may find it perfect. I do not find it perfect. Neither does the gentleman from the Fourth District find it perfect, nor does the gentleman from the Third District find it perfect, but he does not want to see the bill defeated.

The point is that we have before us a bill that does represent a compromise. Do not give me a bunch of bunk about this bill locking up resources that are going to make Oregonians jobless. The fact of the matter is that we have a court suit that has been imposed on all of the roadless areas of Oregon in which all 3 million acres are frozen from any developmental activity unless Congress passes a bill that releases some and preserves the rest for wilderness.

This bill does that. It releases 2 million acres for commercial use, bringing that total in the State of Oregon, counting Federal and State lands, to 15 million acres open for commercial development, and that means jobs.

What the bill also does is to take approximately 1 million acres and add it to the existing 1 million acres, giving us a total of 2 million acres for our wilderness system. That is 15 million acres for commercial use and 2 million for the wild and scenic lands that deserve to be protected as the highest and best use of the land.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. AuCOIN. Some have said—I will be happy to yield to the gentleman because he yielded to me, but I want to complete my point first. I would say to the gentleman, though, that I am surprised that he would make the argument—and I will yield to him after making this statement—I am surprised the gentleman would make the argument that this somehow steals jobs from Oregonians.

I know the gentleman does not suggest that either of the two Republican Senators are trying to hurt jobs or kill jobs in Oregon. I know that he will not go home and make that argument to Oregonians. I cannot understand why he would suggest that this bill does that now because this bill represents the Senate version of the bill, in which both Senator Hatfield and Senator Packwood crafted a compromise that the three of us on the Democratic side in the House have willingly supported.

Now, does the gentleman think Senator Hatfield is trying to kill jobs?

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. AuCOIN. I will yield to the gentleman to answer my question.

Mr. DENNY SMITH. Yes, I think that——

Mr. AuCOIN. The gentleman's answer is yes?

Mr. DENNY SMITH. Yes, I think that the Responsible Coalition for a Responsible Oregon Wilderness bill said that there were going to be approximately 5,500 jobs——

Mr. AuCOIN. Does the gentleman believe Senator Hatfield is trying to kill jobs in the State of Oregon?

Mr. DENNY SMITH. I believe that the senior Senator said that this was going to have the least effect on jobs on the economy.

The SPEAKER pro tempore. The Chair will caution Members to restrain their references to Members of the other body.

Mr. AuCOIN. I will yield to the gentleman.

Mr. DENNY SMITH. Yes. I am glad the gentleman would yield to me.

I believe that the Responsible Oregon Wilderness Coalition said there were going to be about 5,500 jobs lost by this bill.

Mr. AuCOIN. Mr. Speaker, I will ask the gentleman this question:

How many jobs are going to be created by the 2 million acres that this bill releases?

Mr. DENNY SMITH. Well, unless the interest rates come down, I do not think we are going to see any created.

Mr. AUCOIN. That argument works on both sides. So the gentleman knows that if we are releasing 2 and preserving 1, 1 million acres of the greatest wild lands in the State of Oregon, on a ratio of 2 to 1, 2 for commercial, 1 for preservation, obviously more jobs are going to be created than any that are somehow not created.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. AUCOIN. So the gentleman's argument does not hold.

Mr. DENNY SMITH. We are going to lose some jobs; right?

Mr. AUCOIN. I beg the gentleman's pardon?

Mr. DENNY SMITH. We are going to lose some jobs; is that correct?

Mr. AUCOIN. No. I will tell the gentleman—and this will be the last time I will yield to him—that his argument does not hold unless somehow he thinks that all 3 million acres should be released, which is an impossibility. As the gentleman well knows, somehow responsible people have to make a distinction between that which is going to be preserved and that which is going to be released.

If the gentleman thinks we can release all 3 million acres, we have got a recipe for a failure of this Congress to address the court suit that is freezing all development activity in the 3 million acres of the roadless areas. A compromise is needed.

The gentleman does not seem to understand that, but it is absolutely the case. We cannot solve that problem, the problem of the court case, without preserving some in wilderness and releasing the rest for commercial use.

Mr. DENNY SMITH. You tell that to the unemployed loggers in the districts that we represent.

Mr. WYDEN. Mr. Speaker, will the gentleman yield?

Mr. AUCOIN. I will yield in 1 minute now.

Mr. Speaker, I would like the gentleman to tell the Members of the House which timber associations and trade associations oppose this bill that is before us and want this House to defeat this bill before us today.

Mr. DENNY SMITH. I do not know that it is important for timber associations. I represent individual people, not timber associations.

Mr. AUCOIN. I will answer the question. I will tell the gentleman that the Oregon Loggers Association supports this bill, not because they think it is perfect but because they think it is a compromise.

I will tell the gentleman that every major environmental organization supports this bill, not because they think it is perfect but because they think it is a compromise.

I am not aware of any national or regional trade association that is asking the House to defeat this bill. Why? Because they understand that the price for release of some of the 3 million acres of roadless areas in Oregon requires a certain designation of wilderness lands.

The gentleman has been incapable of accepting the need for that kind of a compromise from the beginning. I wish that he would not have taken that position, but that is the position that he has taken, and I am sorry for that.

Mr. Speaker, I yield to my friend, the gentleman from the Second District of Oregon.

Mr. WYDEN. Mr. Speaker, I appreciate my friend's yielding.

I think what we need to understand here is that what we have is a textbook case, literally a textbook case of compromise and of accommodation in the legislative process.

We have an instance where the Association of Oregon Loggers and the major environmental groups in our State have said that is a balanced bill that reflects the sense of proportion that Oregonians want, and I think our colleagues on the other side of the aisle, if they want to argue that this is not a compromise, have to show how in some way that textbook case of compromise was not reached, because I think it is clear that it has been.

Mr. AUCOIN. Mr. Speaker, I appreciate the gentleman's comments. I want to say that I appreciate his efforts in this fight and also the efforts of our colleague, the gentleman from Oregon (Mr. WEAVER), as well as the chairman of the subcommittee, who had diligently seen this effort through. I would be remiss if I did not congratulate and compliment both Senators from the State of Oregon.

This is not a gag situation where Members are gagged or prevented from exercising their will. We had an open rule on this question when the bill first came through the House, and we had votes on this question. The gentlemen on this side of the aisle who have differences with the bill offered amendments.

□ 1320

I remember the gentleman from Oregon offered an amendment. He had a chance to offer an amendment when the bill came through. His amendment was defeated 292 to 58.

The gentleman from Alaska offered an amendment. His amendment was defeated 249 to 91.

The House has had its opportunity to work its will. The only thing that would be gained now by not voting for this bill as it is would be to delay a final resolution, pushing it off further down the road, further down the calendar, running this issue up against all the other issues that the Congress is going to be dealing with in its rush toward adjournment and that will guarantee the doom of this bill.

Obviously, no responsible person on either side of this issue wants such a thing to happen.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Speaker, I would like to suggest that the gentleman not use the term "no responsible person."

Both Members from Oregon are very responsible members of the committee that I am ranking member of, and I consider my responsibility very seriously and to say that we are not responsible because we are in opposition to this bill is incorrect.

I would respectfully suggest that the gentleman reconsider his words.

Mr. AUCOIN. Mr. Speaker, this gentleman said that no responsible person wants to see a resolution of this bill delayed to such a date in which no passage of the bill dealing with the Oregon RARE II problem would be possible.

Mr. YOUNG of Alaska. Mr. Speaker, I would suggest again to the gentleman from Oregon that he choose his words very carefully.

Mr. AUCOIN. I assume it applies to the gentleman from Alaska. I think he is responsible. I do not think he wants to see a resolution of this bill delayed.

Mr. YOUNG of Alaska. The bill is basically wrong. I rose against the bill and to allude to the fact that we are irresponsible does not become the gentleman at all. That disturbs me a great deal.

I understand the gentleman is 1 percent AuCoin, but it makes me very resentful now that the gentleman is calling my position irresponsible and the position of the two Members from Congress, that in fact have 75 percent of this bill in their districts.

So I would suggest again to the gentleman to choose his words very carefully.

Mr. AUCOIN. Mr. Speaker, what is the regular order?

The SPEAKER pro tempore. The gentleman may proceed. The gentleman has not asked the words be taken down. The gentleman may proceed.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. AUCOIN. Well, I would be delighted to yield to my friend, the gentleman from California. I did not see the gentleman sitting there. I would be delighted to yield to him.

Mr. DANNEMEYER. Well, I was standing, I think.

I thank the gentleman for yielding. I am a Californian and I am a native

Californian. We are always interested in people having places to visit, namely, to Oregon to the north of us.

Mr. AuCOIN. We welcome Californians visiting the State or Oregon.

Mr. DANNEMEYER. I sometimes get the sense that the gentleman is interested in us coming to visit, but not necessarily to stay.

Mr. AuCOIN. We will take people coming to stay as well.

Mr. DANNEMEYER. Emigrate and stay?

Mr. AuCOIN. Absolutely. What is the gentleman's point about the Oregonians?

Mr. DANNEMEYER. I am not on the Interior Committee and I have not followed these wilderness bills in detail.

Mr. AuCOIN. I am sure that will not limit the gentleman's ability or willingness to offer a point of view on this bill.

Mr. DANNEMEYER. But I think the gentleman in the well is on the Interior Committee, is that correct?

Mr. AuCOIN. The gentleman serves on the Interior Appropriations Committee.

Mr. DANNEMEYER. Well, then even more so does the gentleman have the perspective of appropriations on the Interior Committee, but would the gentleman from his memory be able to familiarize the House with what was contemplated when the idea of wilderness came along to begin with in the early seventies, I think, that is, the quantity of acres nationwide that would be set aside as wilderness and the quantity of acres that have been set aside to date?

The reason I ask the question is that I read recently that we have now reached a factor of 10 times setting aside wilderness areas.

Mr. AuCOIN. Let me reclaim my time. I understand the thrust of the gentleman's question.

The issue simply is how does the Congress as presently constituted reflecting their constituencies and the attitudes of those they represent strike that critical balance between commercial development and multiple use and sustained yield practices and preserving pristine wildlife habitat and wild lands that deserve protection at the highest and best use of the land.

Reasonable people, and I would say to the gentleman from Alaska, responsible people, will disagree and draw the line in different ways. You see the line drawn in different ways in this case. Two people out of the six people that represent Oregon in the Congress disagree with this bill, but both Republican Senators support it; all three Democratic Members of the House support it. The Republican Governor of Oregon is not asking for the defeat of this bill. In fact, the Republican Governor of the State of Oregon wanted additional land included in this bill which ended up not being included. I can only conclude that he is disappointed from that standpoint.

So the gentleman's point is that it does not matter what someone thought back when the Wilderness Act was first created. Each generation, each Congress, looks at these assets from the standpoint of that which can be beneficial from a commercial point of view and that which can be beneficial from a practical point of view.

The SPEAKER pro tempore. The gentleman will suspend for a moment. The Chair will indicate to the gentleman from Ohio that he has 1 minute remaining.

Mr. SEIBERLING. Mr. Speaker, I am a little surprised because I yielded 5 minutes to the gentleman from Oregon and 5 minutes to the other gentleman from Oregon. I used up about 3 minutes myself, which should mean that we had about 15 minutes.

The SPEAKER pro tempore. The gentleman did not indicate the amount of time that he yielded to the gentleman from Oregon.

The gentleman from Alaska (Mr. YOUNG) has 9 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, it would be the first time we have been in the majority in many times.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. ROBERT F. SMITH).

Mr. ROBERT F. SMITH. Mr. Speaker, I thank the gentleman from Alaska for yielding to me.

I stood before the House a year ago and spoke against the bill which passed, as we well know, and has been identified as H.R. 1149, and contained 1.2 million acres of wilderness.

I want to suggest that the impact of this issue is upon this Member's district. There are five Members of the House from Oregon. This Member shoulders 60 percent of the "compromise wilderness bill" in my district; 551,000 acres, which is going to have an insidious economic impact upon jobs in the future and the cost of lumber products, in our Nation and in Oregon.

The Constitution tells us that the House of Representatives represents people. We all swore to uphold the Constitution, and I am here representing my people. The people I represent are in Oregon, 73 percent of whom say we do not need or want any more wilderness in our area.

Some will say there ought to be a Federal response to that because local people are somehow jaded and they somehow have a parochial interest and therefore cannot be trusted.

Well, I am a Federal representative. I think I am as capable of having a balanced opinion about wilderness or any other issue as any other Member from Ohio, or Arkansas, or Arizona, or New York, or Alaska. I think my value in this debate is one that does not have a jaded opinion, but a balanced one.

It has been reported that this is a compromise bill. May I suggest that in exchange for the soft release language of 2 million acres, we are being asked to set aside an additional 900,000 acres of wilderness in the State of Oregon and that is a sword of Damocles, hanging over the heads of the people I represent in Oregon.

Now, what is a compromise? I always thought a compromise was finally settled between opponents and proponents of an issue. This compromise is being settled between the environmentalists, the environmentalists here and the environmentalists there. I have not been a part of the compromise, nor has anybody been a part of the compromise that is opposed to this bill, in the beginning or even now.

The compromise is 900,000 acres. I had proposed, by the way, that the bill be reduced by a mere 81,000 acres. That would have saved future jobs for not just Oregonians, but others. Who are they? Most people do not really care, but let me tell you who they are. They are people from little towns that I represent, little towns like John Day and Prairie City and Pilot Rock, Maupin, and Tygh Valley. These little towns are going to be insidiously affected by this bill. The soft release language leaves us nowhere. It is so far out of the areas of the small communities that it might as well be 10 million acres of release, or located in Costa Rica. It has no impact upon these affected areas of my State of Oregon.

Well, after months of my own study, I came up with a compromise proposal. It came from local people. It came from farmers and businessmen and local government officials and industry people and labor unions.

What happened? There was no compromise. We offered to reduce wilderness in this bill by only 81,000 acres, leaving almost 900,000 acres in the bill. But there was no compromise.

□ 1330

Let me give you an example. In the north fork of the John Day River, an area of real debate in this issue, there are roughly 121,000 acres of land proposed to be set aside; 40,000 acres are in dead lodgepole pine.

Now we are being asked to pass a wilderness bill to make sure that 40,000 acres of dead lodgepole pine remain untouched, and prevent the mill at Pilot Rock, which employes 128 employees, from taking out the dead lodgepole pine. Does that make a lot of sense?

In some cases I suggest to you that man manages better than nature. Certainly designating wilderness closes

the door to management and creates waste in this situation.

Is it going to be the choice of Congress to actually dedicate new wilderness to death? In this situation you already have the death of 40,000 acres of still-usable lodgepole pine out. It could have been of some use. We could have reforested the area.

I want you, and I welcome all of you, to come to this lovely, pristine area in Oregon, full of dead and beetle-ridden lodgepole pine.

The new wilderness area is not pristine. It includes mines that have been in place and that are valuable, valuable precious metals, gold, silver, chromite. There are roads within the wilderness area.

This is not a free environmental vote. It is going to cost jobs and business and heartaches. This is not a compromise. This is a theft of the future from the people of Oregon. I urge you to vote against H.R. 1149.

I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I wonder if I could ask the gentleman from Alaska to yield 4 minutes to the gentleman from Oregon (Mr. WYDEN) because there was a misunderstanding. I had only yielded 5 minutes to the gentleman from Oregon (Mr. AUCOIN) and the timekeeper allowed him to run over that time.

The SPEAKER pro tempore. The Chair will announce that the gentleman from Alaska (Mr. YOUNG) has only 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Is it feasible to ask unanimous consent that the gentleman from Ohio (Mr. SEIBERLING) have an additional 4 minutes?

The SPEAKER pro tempore. It is reasonable.

Mr. YOUNG of Alaska. I move the gentleman from Ohio have 4 additional minutes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG).

The motion was agreed to.

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman, and I yield 4 minutes to the gentleman from Oregon (Mr. WYDEN).

Mr. WYDEN. I thank the distinguished chairman of the subcommittee. I also want to thank our colleague from Alaska (Mr. YOUNG) for his courtesy in extending me this extra time.

Mr. Speaker, in my view this is a bill for all of Oregon. I think it strikes a reasonable balance. I called it a textbook case of compromising through the legislative process, and you see one example after another of that kind of compromise throughout this bill.

For example, Mr. Chairman, we have a bill that protects critical fish and wildlife habitats, but at the same time allows mining endeavors to continue.

We have a bill that preserves some wilderness lands, very special, scenic, precious treasures in Oregon, but these are wilderness lands of extremely low productivity. For example, the Congressional Research Service states that the areas designated as wilderness by this bill are well below normal and I quote: "* * * well below normal" in terms of timber productivity. Over 80 percent of the wilderness is designated "uneconomic for timber production."

Managing these lands for timber production is going to cost more than they are actually going to return in timber receipts.

This is the view, this is the evidence presented by the Congressional Research Service.

Again, as another example of the kind of compromise that has gone into the development of this legislation, we saw that after the House passed the Oregon Wilderness bill Senator HATFIELD held hearings and asked for all members of the Oregon House delegation to send comments as he put forth his own wilderness proposal.

All of us sent Senator HATFIELD comments. Some of them he included; some of them he did not. I was particularly pleased that he included some of my suggestions to put in the bill some of the treasures, some of the special scenic treasures that are close to the Portland metropolitan area.

Now the million plus residents of the Portland area have access to over 100,000 pristine acres all within 1½ hours drive of their homes. There are a few if any metropolitan areas in the United States that can make this claim.

I think it is evidence of how serious Oregonians feel about wilderness that we got letters from all over the State, from the district represented by the gentleman, Mr. BOB SMITH, from all over the State, saying make these areas close to Portland, close to the areas where most of our citizens live, make them part of the wilderness legislation.

Mr. Speaker, I want to wrap up by saying we are obviously at the end of a long road. It is a road that probably is not laid out as anybody would exactly want it. The environmental community did not get all that they wanted. The timber and mining interests wanted a somewhat smaller bill, for instance, but as we have stressed today, the Associated Oregon Loggers have come out in favor of the bill.

It is my view that we ought to get on with it. This is a bill for all of Oregon. It deserves the support of Members on both sides of the aisle.

I thank the chairman of the subcommittee again.

Mr. ROBERT F. SMITH. Will the gentleman yield?

Mr. WYDEN. I will be happy to yield.

Mr. ROBERT F. SMITH. The gentleman mentioned my name. I want to point out that I am sure that everybody in my district would unanimously agree to put 700,000 acres of wilderness near Portland. I know they did that. I support that.

The problem here is——

Mr. WYDEN. If I might reclaim my time, I think it would be helpful if the people in your district understood that the Congressional Research Service has stated formally that the acres, most of them in your district, designated as wilderness by this bill are well below normal in terms of timber production.

Mr. ROBERT F. SMITH. I heard the gentleman say that and I take issue with that. It is likely that 40 percent are. I will give you the 40 percent, leaving me 60 percent to reduce this bill by, very gladly, and that will revive the communities that I have been talking about that are injured when you take away the very good timber that surrounds them in the small communities in eastern Oregon.

So I would suggest that a fair compromise would have been to distribute evenly between our five districts in the State of Oregon this wilderness. But we have not done that. This Member and the people I represent and their futures are at the behest of those in other parts of our State, and that has been our problem for a very long time.

The gentleman knows of which I speak.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. WYDEN) has expired.

The gentleman from Ohio (Mr. SEIBERLING) has 1 minute remaining and the gentleman from Alaska (Mr. YOUNG) has 3 minutes remaining.

Mr. ROBERT F. SMITH. Mr. Speaker, I ask unanimous consent of the House that I may have 1 additional minute to speak.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There were no objection.

Mr. ROBERT F. SMITH. I thank the gentleman.

The only point I was trying to make is here we have a confrontational problem within our State, and this is a little turf battle. But it is a problem that exists because there are those of us who make a living on the land and from the land in the eastern and southern parts of the State, and there are those within the cities who look upon that land as theirs as well. It is Federal land, but as a recreational, vacational kind of atmosphere.

There is no doubt that the gentleman represents exactly the situation. But we have gone confrontationally for a long time about that issue, and here we are again. It is the same issue all over again.

Mr. WYDEN. Will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman.

Mr. WYDEN. I disagree with the gentleman most strongly that this is a confrontation between different areas of Oregon. I, for example, know we have worked together on legislation that is good for both regions. We may have a difference of opinion on what is good for Oregon.

I think this bill is good for all Oregon. Certainly no Member wants to pit one region against another. We understand that what happens in your district, for example, with respect to timber production, it is my constituents who are going to sell you the services.

It is a good bill and it is good for all Oregon. It does not pit one region of the State against another.

Mr. ROBERT F. SMITH. That is what this issue is about.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Mrs. VUCANOVICH).

Mrs. VUCANOVICH. Mr. Speaker, I rise in strong opposition to the Oregon wilderness bill.

It was just about a month ago that I joined the gentleman from Missouri (Mr. EMERSON) in an attempt to prevent passage of the conference report on the Irish Wilderness. At that time I stressed the importance of balancing resource and wilderness values and of respecting the position of the Congressman whose district is affected by wilderness legislation. We worked out a compromise in Interior Committee which removed many of the areas of resource conflict but the conference added much of that acreage back in the bill. Mr. EMERSON, whose district was the only one affected, opposed the conference but it was passed anyway. We find ourselves in a similar situation today.

The Oregon wilderness bill would affect almost 950,000 acres. Of that total, about 72 percent of the lands are in districts whose Representatives oppose enactment of this bill. I fully recognize the delicate nature of the negotiations and compromise that are needed to reach consensus on the wilderness issue. My concern is that the deck is being stacked in favor of wilderness because local interests, as voiced by their congressional Representatives, are being ignored. I understand that there are even cases where an entire delegation has introduced a bill only to find that the consensus they have worked hard to achieve is ignored here in Washington.

There are already more than 1.2 million acres of wilderness in Oregon, about the same amount of land that you have in the State of Delaware. It is important to recognize that despite the existing acreage, and that included in this bill, the wilderness issue in Oregon will still not be resolved. The BLM has some 2.3 million acres under study and other agencies such as the Fish and Wildlife Service will be making wilderness proposals. I can only hope that future legislation will better recognize local interests and economies.

I urge my colleagues to join me in opposing the Oregon wilderness bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I thank the gentleman for yielding. I rise in opposition to this bill and to continue my dialog with the gentleman from Oregon (Mr. AUCOIN).

The date is that when this wilderness legislation came into law in 1964 it was contemplated that we would use about 10 million acres for that purpose. Today, some 20 years later, we have 80 million acres designated wilderness existing. We have recommended wilderness total of some 20 million. That is under study.

□ 1340

Under wilderness study totals another 128 million acres; we have moved then, if all of these would come into existence, they would total 228 million acres. My reason for rising and speaking at this time is that at a time when this Nation is dependent on outside sources for its minerals, when we are importing close to 5 million barrels of oil per day, about a third of our usage at a cost to the economy of about $70 billion a year, is it good policy for this House of Representatives to be putting more wilderness areas in that category? I think the answer is no. We should be very careful about pursuing these objectives.

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 2 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I want to compliment BOB SMITH and DENNY SMITH for bringing this information to the floor. If I thought for a moment that we would not have any other wilderness legislation concerning Oregon, I would be a little more relaxed about this legislation.

But I am confident that "You ain't seen nothing." You have 2 million acres in Oregon being proposed by BLM, some by the Park Service. As the gentleman from California mentioned we will have when it is finally done, because each Congress has a Congressman that wants to put another area into wilderness that does not affect his State, we will have approximately 248 million acres of land, possibly, in wilderness by the year 2000. That is more than 1 acre per person in the United States in wilderness.

That sounds kind of attractive to somebody in Akron, OH, or New York, or Portland, or one of the other larger cities in the United States. But the facts of the matter, each one of these areas designated has a higher value than wilderness, a higher value.

I would support a wilderness that had only wilderness. But the environmental groups of this Nation, the well-organized henchmen, the direct-hire gunmen have picked out the areas that have mining capability, as the gentleman from California mentioned, oil and gas capability, fibers such as timber, hydropower and, yes, food capability on public lands, thus making the U.S. Government the owner of the most valuable resources for the future generations and probably the developer of under a socialized nationalized system as other countries have followed, taking away the private sector, disregarding the individuals and giving it to the Government.

Because I have talked to these groups and they tell me and even my good friend from Ohio will say, "When we need them we will go get those resources, we will go get those resources." We in fact being the Congress and the Government will be the developers of the remaining natural resources which we must have.

In the meantime, disregard the gentleman from Oregon and people that need the work, the little person. This Congress has forgotten the little person. All they think is these large environmental groups and how right it is for the future to save the environment for the future. They are forgetting the little individual today, the small worker, the small towns that the gentleman mentioned.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENNY SMITH. Mr. Speaker, I ask unanimous consent to have 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DENNY SMITH. I thank the Speaker.

The important factor here and you were just making that point, Mr. YOUNG, that is that BOB SMITH and I represent people. I do not care which organizations are supporting or not supporting this.

I think that the important factor here is, what does this mean to the future of the citizens of the State of Oregon? I think that is extremely important to us.

I thank the gentleman.

Mr. YOUNG of Alaska. One further thing on that note. As far as the

Forest Products Association supporting this legislation, they just gave up. They are tired of fighting this battle; they want the immediate egg and they are not willing to fight it right down to the bottom line.

Anytime that the experts propose 435 acres of orginal RARE II recommendations, now we have a research group in the Library of Congress that never saw a tree, or if they did, it was out here in the park somewhere; they do not understand timber practice; they come down with a recommendation that does not even hold water; but the recommendation of the experts that know and study these areas and recognize it does not fit the wilderness classification because there are roads, mines.

We fought this battle on this floor time after time and next week is going to be the Washington Wilderness; then we have the Nevada Wilderness—hopefully not because we have a fine representation from there—next week we are going to have the California Wilderness and then the Tennessee Wilderness, New Hampshire Wilderness, Wisconsin Wilderness, and Minnesota Wilderness.

The only matter I would like to bring forth to this Congress, we support wilderness but why pick the area where there is direct conflict? I can tell you, for example in the Irish Wilderness there was not a wilderness because they found lead.

As the gentleman from Oregon said there were mines there; all of a sudden this is a wilderness area.

In my State of Alaska, they have a proposal for 76 million more acres being under study for wilderness by BLM being proposed by an environmental group, when we put 147 million acres in as recently as 1980, 147 million acres into wilderness classification, which is bigger than the State of Washington, bigger than the States of Oregon and California combined. Yet they are coming back for more. Each one of those has a conflict.

I have said along we should inventory and then we decide what we are doing, deciding not to inventory.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) has 1 minute remaining.

Mr. SEIBERLING. Mr. Speaker, the north fork of John Day Area was mentioned by the gentleman from Oregon (Mr. ROBERT F. SMITH). I would simply point out for the record that of the 250,000 acres of road resources in that area, 121,000 were placed in wilderness and one of the reasons was to protect the very important fisheries resource.

I ask unanimous consent at this point to include a letter from the district fish biologist of the Department of Fish and Wildlife of Oregon at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The letter follows:

DEPARTMENT OF FISH AND WILDLIFE,
January 13, 1984.

Mr. JOHN ANDREWS,
Fish Biologist, Umatilla National Forest, Pendleton, OR.

DEAR JOHN: In response to your request for the latest update on ODFW research results related to stream temperature and chinook salmon production, I submit the following.

Based on the past five years of study on the life history and environmental requirements for spring chinook in the John Day River system, a definite correlation between stream temperature and juvenile chinook rearing exists. The data shows that when mean weekly stream temperatures exceed 20° C (68° F) young chinook disappear from the system. If suitable could water in adjacent tributaries is not available, these fish are lost to mortality since they cannot escape the unacceptable conditions caused by the high temperatures. This is the case in the North Fork John Day River and the Middle Fork. It must be made clear that 20° C is an upper threshold temperature and not an optimum rearing temperature. The data suggests that in the upper John Day Basin (North Fork, Middle Fork and Upper John Day River), optimum stream temperatures for chinook salmon rearing and survival range from 12°-17° C (54° F to 63° F) with a mean of 14.5° C (58° F) being about ideal.

To put this in perspective, in 1980 the lower limit of chinook distribution in the North Fork during mid-August was RM 55. The mean weekly river temperature at RM 44 was 22° C (72° F) and at RM 60 (Desolation Creek) was 20° C (68° F). From this data you can conclude that a 1° C rise in temperature at RM 60 would preclude chinook rearing to that point resulting in a loss of four-five miles of chinook rearing habitat. Based on this we can estimate that a 4° C rise in stream temperature at Desolation Creek would result in 16-20 miles of chinook rearing lost on critical years of high temperature and low flow.

Research temperature data collected the past four years throughout the upper John Day Basin has revealed that summer temperatures are presently at threshold levels for salmon survival in the lower reaches of the North Fork, Middle Fork and John Day River during critical periods forcing rearing further up stream. This means that any additional stream temperature increases in the headwaters will further limit salmon distribution to the degree water temperatures exceed threshold limits. This could mean loss of the entire John Day wild salmon resource if management trends do not provide significant protection of water quality and habitat.

I should also mention that the salmon research data also shows that when mean weekly stream temperatures exceed 17° C (63° F) Juvenile chinook growth is reduced which could result in limited freshwater and ocean survival.

I should also mention that the salmon research data also shows that when mean weekly stream temperatures exceed 17° C (63° F) juvenile chinook growth is reduced which could result in limited freshwater and ocean survival.

In addition to temperature considerations, logging and road building under present standards will silt spawning gravels and reduce spawning effectiveness thus further compounding the problem.

Maintaining this salmon resource is also imperative to save the habitat improvement investment that has been made for salmon and steelhead. As you know, by the end of 1985 this investment will exceed one million dollars, a large portion of the dollars being BPA money. What do we gain if we improve the salmon habitat and lose the water quality to produce the fish?

The final report on this research effort will not be out for another year or so. If you have further questions, contact myself or Brad Smith. You should also review the annual progress reports which contain the data from which my comments are based.

Keep up the good work.

Sincerely,

ERROL W. CLAIRE,
District Fish Biologist.

Mr. SEIBERLING. Mr. Speaker, I would simply say that this is a resource protection and a resource development bill.

Two-thirds of all of the roadless areas reviewed are being released by this bill. So I feel that it is a very balanced bill.

Mr. SPEAKER pro tempore. The time of the gentleman has expired. All time has expired.

Mr. ROBERT F. SMITH. Mr. Speaker, I ask unanimous consent for 1 additional minute.

The gentleman mentioned my named and mentioned part of my debate, so I believe I should have a chance to clear the record.

Is there objection to 1 minute?

Mr. SPEAKER pro tempore. The time is controlled.

Is there objection to the request of the gentleman from Oregon for 1 additional minute?

There was no objection.

Mr. ROBERT F. SMITH. I thank the Speaker and I thank the chairman.

I want to reiterate the point, and I do not think the chairman knows about this situation; there are 40,000 acres of dead lodgepole pine in the north unit in the North Fork of the John Day. That impedes the fishery, impedes management of big game and I am sure that the gentleman is not familiar with that.

It is a fact; it is there; it is a loss; it is waste; it is gone with wilderness designation.

● Mr. DE LA GARZA. Mr. Speaker, H.R. 1149 and other bills to be brought up today designating wilderness areas in various States, contain compromise language on so-called release provisions dealing with areas not designated as wilderness. This language, which had been developed through the cooperation of the Committee on Interior and Insular Affairs and the Committee on Agriculture on the part of the House, and the committees of jurisdiction of the Senate, reflects an agreement which has permitted numerous wilderness bills to be

acted upon by the House and the Senate. These matters, which are of significant jurisdictional interest to the Committee on Agriculture inasmuch as they pertain to management of the national forests, have been resolved in a satisfactory manner. I am pleased with this development because it permits wilderness legislation to move through the Congress to the benefit not only of all of the citizens of this country, but those who are intimately involved with management, including management of timber resources, of our national forests.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1149.

The question was taken; and on a division (demanded by Mr. YOUNG of Alaska) there were—yeas 4, nays 5.

Mr. WEAVER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1350

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There were no objection.

WISCONSIN WILDERNESS ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3578) to establish the wilderness areas in Wisconsin, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Wisconsin Wilderness Act of 1984".

DESIGNATION OF WILDERNESS AREAS

SEC. 2. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately four thousand two hundred and thirty-five acres, as generally depicted on a map entitled "Porcupine Lake", dated November 1983; and

(2) certain lands in the Nicolet National Forest, Wisconsin, which are generally known as the "Headwaters Wilderness", as generally depicted on a map dated November 1983, and which are known as—

(A) "Kimball Creek", comprising approximately seven thousand five hundred and twenty-seven acres;

(B) "Headwaters of the Pine", comprising approximately eight thousand eight hundred and seventy-two acres; and

(C) "Shelp Lake", comprising approximately three thousand seven hundred and five acres.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

EFFECT OF RARE II

SEC. 5(a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Wisconsin and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Wisconsin, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Wisconsin;

(2) with respect to the National Forest System lands in the State of Wisconsin which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Wisconsin reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Wisconsin are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas, not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Wisconsin for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Wisconsin which are less than five thousand acres in size.

Amend the title so as to read: "An Act to establish wilderness areas in Wisconsin.".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I would like an explanation of the bill. I probably will not object.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3578 as amended by the Senate. With the exception of some minor technical changes and the substitution of the new "release" language compromise recently worked out with the Senate, H.R. 3578 is the same bill which passed the House by a vote of 402 to 17 last November. As was the case last fall, the bill is supported by the entire Wisconsin delegation in the House and by both Senators.

Briefly, H.R. 3578 would add four areas in Wisconsin to the National Wilderness Preservation System, bringing the percentage of national forest lands in the State designated as wilderness to a very modest 3 percent. All four proposed wildernesses have been recommended for wilderness by the administration, and I am aware of no opposition to the bill. I, therefore, urge that we send this meritorious measure to the President for signature. In so doing, I would like to thank the entire Wisconsin delegation, and especially Messrs. MOODY and OBEY, for their interest and dedication in securing passage of the bill.

Mr. YOUNG of Alaska. Mr. Speaker, further reserving the right to object, how many acres are involved here?

Mr. SEIBERLING. Well, it is not very large. I will have to get the committee report to verify it. It is a comparatively small wilderness bill—approximately 24,339 acres.

Mr. YOUNG of Alaska. Mr. Speaker, with that explanation, I will not object. May I say it is just a small amount compared to what we just worked on.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio (Mr. SEIBERLING)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

VERMONT WILDERNESS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4198) to designate certain national forest system lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area, with Senate amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Vermont Wilderness Act of 1984".

TITLE I—NEW WILDERNESS AREAS

FINDINGS AND POLICY

SEC. 101. (a) Congress finds that—

(1) in the vicinity of major population centers and in the more populous eastern half of the United States there is an urgent need to identify, designate, and preserve areas of wilderness by including suitable lands within the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain suitable lands in the National Forest System in Vermont were designated by Congress as wilderness in 1975;

(3) there exist in the National Forest System in the vicinity of major population centers and in Vermont additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act;

(4) lands in Vermont which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance, and enhancement of their wilderness character; and

(5) the Wilderness Act establishes that an area is qualified and suitable for designation as wilderness which (i) though man's works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, and (ii) may, upon designation as wilderness, contain certain preexisting, nonconforming uses, improvements, structures, or installations; and Congress has reaffirmed these established policies in the designation of additional areas since enactment of the Wilderness Act, exercising its sole authority to determine the suitability of such areas for designation as wilderness.

(b) The purpose of this title is to designate certain National Forest System lands in the State of Vermont as components of the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to perpetuate and protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all Americans to a greater extent than is possible in the absence of wilderness designation.

DESIGNATION OF WILDERNESS AREAS

SEC. 102. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Vermont are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately twenty-one thousand four hundred and eighty acres, as generally depicted on a map entitled "Breadload Wilderness—Proposed," dated September 1983, and which shall be known as the Breadloaf Wilderness;

(2) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand seven hundred and twenty acres, as generally depicted on a map entitled "Big Branch Wilderness—Proposed," dated September 1983, and which shall be known as the Big Branch Wilderness;

(3) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand nine hundred and twenty acres, as generally depicted on a map entitled "Peru Peak Wilderness—Proposed," dated September 1983, and which shall be known as the Peru Peak Wilderness;

(4) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately one thousand and eighty acres, as generally depicted on a map entitled "Lye Brook Additions—Proposed," dated September 1983, and which are hereby incorporated in, and shall be deemed to be a part of, the Lye Brook Wilderness as designated by Public Law 93-622; and

(5) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately five thousand and sixty acres, as generally depicted on a map entitled "George D. Aiken Wilderness—Proposed," dated September 1983, and which shall be known as the George D. Aiken Wilderness.

MAPS AND DESCRIPTIONS

SEC. 103. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this title with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this title, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 104. (a) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this title.

(b) As provided in section 4(d)(8) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Vermont with respect to wildlife and fish in the national forest in the State of Vermont.

(c) Notwithstanding any provision of the Wilderness Act or any other provision of law, the Appalachian Trail and related structures, the Long Trail and related structures, and the associated trails of the Appa-

lachian Trail and the Long Trail in Vermont may be maintained.

EFFECT OF RARE II

SEC. 105. (a) Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) Congress has made its own review and examination of National Forest System roadless areas in the State of Vermont and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Vermont, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Vermont;

(2) with respect to the National Forest System lands in the State of Vermont which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Vermont reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for special management pursuant to section 204 of this Act upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans; and

(4) in the event that revised land management plans in the State of Vermont are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment" to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Vermont which are less than five thousand acres in size.

TITLE II—WHITE ROCKS NATIONAL RECREATION AREA

FINDINGS AND POLICY

SEC. 201. (a) Congress finds that—

(1) Vermont is a beautiful but small and rural State, situated near four large cities with combined metropolitan populations of over fifteen million;

(2) geographic and topographic characteristics of Vermont provide opportunities for large numbers of people to experience the beauty of primitive areas, but also place unusual pressure to provide options to maximize the availability of such lands for a variety of forms of recreation;

(3) certain lands designated at the Big Branch and Peru Peak Wilderness Areas by title I of this Act are suitable for inclusion as part of the national recreation area; and

(4) certain other lands in the Green Mountain National Forest not designated as wilderness by this Act are of a predominantly roadless nature and possess outstanding wild values that are important for primitive and semiprimitive recreation, watershed protection, wildlife habitat, ecological study, education, and historic and archeological resources, and are deemed suitable for preservation and protection as part of a national recreation area.

(b) The purpose of this title is to designate certain National Forest System lands in the State of Vermont as the White Rocks National Recreation Area in order to preserve and protect their existing wilderness and wild values and to promote wild forest and aquatic habitat for wildlife, watershed protection, opportunities for primitive and semiprimitive recreation, and scenic, ecological, and scientific values.

DESIGNATION OF WHITE ROCKS NATIONAL RECREATION AREA

SEC. 202. In furtherance of the findings and purposes of this title, certain lands in the Green Mountain National Forest, Vermont, which comprise approximately thirty-six thousand four hundred acres, as generally depicted on a map entitled "White Rocks National Recreation Area—Proposed", dated September 1983, are hereby designated as the White Rocks National Recreation Area.

MAP AND DESCRIPTION

SEC. 203. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the national recreation area designated by this title with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Such map and description shall have the same force and effect as if included in this title, except that correction of clerical and typographical errors in such map and description may be made by the Secretary. Such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF THE NATIONAL RECREATION AREA

SEC. 204. (a) Subject to valid existing rights, the White Rocks National Recreation Area designated by this title shall be administered by the Secretary of Agriculture in accordance with the findings and purpose of this title and the laws, rules, and regulations applicable to the national forests in a manner compatible with the following objectives:

(1) the continuation of existing primitive and semiprimitive recreational use in a natural environment;

(2) utilization of natural resources shall be permitted only if consistent with the findings and purposes in this title;

(3) preservation and protection of forest and aquatic habitat for fish and wildlife; and

(4) protection and conservation of special areas having uncommon or outstanding wilderness, biological, geological, recreational, cultural, historical or archeological, and scientific, or other values contributing to the public benefit.

(b) Notwithstanding any other provision of law, federally-owned lands within the White Rocks National Recreation Area as designated by this title are hereby withdrawn from all forms of appropriation under the mineral leasing laws, including all laws pertaining to geothermal leasing, and all amendments thereto.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under the Secretary's jurisdiction within the boundaries of the national recreation area designated by this title in accordance with applicable laws of the United States and the State of Vermont.

(d) Within eighteen months after the date of enactment of this Act, the Secretary shall develop and submit to the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the United States Senate a comprehensive management plan for the national recreation area designated by this title.

(e) In conducting the reviews and preparing the comprehensive management plan required by subsection (d), the Secretary shall provide for full public participation, shall consider the views of all interested agencies, organizations, and individuals, and shall particularly emphasize the values enumerated in section 201(a)(4) of this title.

Amend the title so as to read: "An Act to designate certain National Forest System lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area.".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, and I shall not object, but I do want to take this opportunity to briefly comment on this important legislation. Before I begin, I want to commend and thank my colleagues from Ohio and Alaska,

Mr. SEIBERLING and Mr. YOUNG, the chairman and ranking Republican of the Public Lands Subcommittee.

Mr. YOUNG's cooperation has been critical in gaining the timely consideration of this legislation. I sincerely appreciate his support. Mr. SEIBERLING has been equally supportive. Not only did he travel to Vermont to look at these lands first hand, but he listened to and questioned the more than 120 Vermonters who appeared at a hearing on the wilderness bill held in Manchester, VT, last summer.

I rise in strong support of the Vermont Wilderness bill, H.R. 4198. This bill is the result of years of hard work, and represents a solid and equitable compromise on a most difficult issue.

As my colleagues know, and as we have seen and heard today, the issue of wilderness is an emotional one. This has been as true in Vermont as anywhere else. In fact, I think the people of a small, beautiful, and rural State like Vermont care more about their land than the people in most States.

As a result, there has been a tremendous interest in this issue for the past several years. Since the introduction of a draft proposal in March of last year, thousands of Vermonters have contacted the Vermont delegation to let us know their thoughts on this question.

Our delegation may not be large, nor will our State make or break candidates for national office. But we are able to work closely. Although many Vermonters have been extremely helpful in the crafting of this legislation, I would single out two for special praise, Senators STAFFORD and LEAHY. It has been a pleasure to work with them on this legislation, and I am pleased that as a result the bill before us today has the full and unanimous support of the Vermont delegation.

This legislation is a compromise in the truest sense of the word. Many Vermonters wanted even more wilderness, some less. There was a good deal of controversy over the best management of the national recreation area created by this bill. Hunters, hikers, loggers, and skiers were all concerned about the impact of the bill on their lives and livelihoods.

To the best of our ability, the members of the Vermont delegation have attempted to address each and every one of their concerns. Needless to say, we were not entirely successful. But we were able to meet a great many of the concerns raised during this process. We have tried to accommodate local needs and uses to the greatest extent possible. Boundaries have been adjusted as a result, and the national recreation area was created to provide greater flexibility in management and usage.

One of the most difficult questions surrounded proper administration of the national recreation area. Given the multiple current uses of the area, we were forced to try to balance these uses in a way that was fair to all concerned. In particular, we tried to make it clear that timber cutting would be permitted in the recreation area, but that it would be for wildlife management purposes only.

During our work on this issue, there was a good deal of disagreement as to what had and had not been agreed to during our discussions with various parties. I think some of this confusion may have resulted from the fact that one of the terms of the bill, specifically "semiprimitive recreation," was identical to a term used in a study of management options developed for the Green Mountain National Forest (GMNF) in the summer of 1983. In the Forest Service's study "Management Options," one option described was to emphasize "semiprimitive recreation." By using this same term in our discussions and drafting of the Vermont wilderness bill, I think we may have inadvertently left the impression in some people's minds that this term connoted the same meaning as was found in the Forest Service's study.

This is clearly not the case, and I am sorry for any confusion that may have resulted. I do, however, want to make certain that there is no remaining uncertainty. The meaning of the term "semiprimitive recreation" as used in this legislation and its report is most definitely not that of the Forest Service's study, but is that of the Senate committee's report.

Even aside from this issue, translating our intent with respect to timber cutting into legislative language was no easy task, as we did not want to permit "business-as-usual" under the guise of wildlife management. In legislation introduced in both the House and the other body last fall, the delegation tried to do so by limiting timber cutting to the maintenance of existing wildlife habitat and recreational uses.

The House Interior Committee chose to include this language in the committee's report rather than in the legislation itself. As a result, the House bill as passed in November contained broader language with specifics outlined in the report.

During further debate on the issue, the Senate has adopted report language to provide clarification of these provisions and others affecting snowmobiling and wheeled vehicle use. My staff and I have been involved in the negotiations leading to the adoption of this language, and I find it a reasonable response to this issue. It is, of course, necessarily only a partial solution, as the details of the administraton of the recreation area will be the subject of a management plan to be developed over the next 18 months.

I know my colleagues in the delegation share my commitment to seeing that the guidelines we have adopted for the management of the recreation area will be followed during the development of this plan. Once again, I applaud them and the many Vermonters on all sides of this issue who contributed to the process and final product. I think Vermonters can take pride in both.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4198, the Vermont Wilderness Act of 1984, as amended by the Senate. With the exception of some minor technical amendments and a change in the bill's release language to reflect the recent compromise we worked out with the Senate, the bill is identical to the one which passed the House last November.

Briefly, H.R. 4198 designates approximately 41,260 acres of new wilderness and establishes a 36,400-acre White Rocks National Recreation Area encompassing some 14,000 acres of the new wilderness.

In order to become more familiar with this area and to give Vermonters the opportunity to be heard on the issue, the Subcommittee on Public Lands and National Parks conducted a field inspection on July 8 of last year, followed by a public hearing on July 9 in Manchester, VT, at which some 123 witnesses appeared. Subsequent to the hearing, the Vermont delegation staged a series of negotiating sessions attended by representatives of key interest groups, and in early September a near consensus agreement was reached. I and my subcommittee staff have since conferred with Congressman JEFFORDS and the two Senators and their staff in order to fine tune the proposal embodied in the bill before us today. In this regard, I would particularly like to commend Congressman JIM JEFFORDS and his staffers, David Wilson and Mark Powden, for the long hours devoted to this legislation. As those who have worked on this bill are keenly aware, the issues involved were extremely complex and the emotions on both sides of the wilderness issue ran very high. It is a tribute to the extraordinary leadership of Congressman JEFFORDS and Senators LEAHY and STAFFORD that we were able to work things out to the point where little controversy remains.

In summary, Mr. Speaker, I believe H.R. 4198, as amended, is extremely meritorious legislation which deserves our support.

Mr. JEFFORDS. Mr. Speaker, I again commend both the ranking member and the chairman of the subcommittee for their help on this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, and I shall not object, this again is a case where I believe that the total 100-percent congressional delegation supports this legislation.

The gentleman from Vermont (Mr. JEFFORDS) had done an excellent job. I again have some reservations about some of the areas because they have not been properly inventoried, but probably better inventoried than other areas in the wilderness proposals before this body.

Again, though, these are small numbers in a State that is well served as far as the participants from other States according to its borders. It has been worked closely together with the complete Vermont delegation. I want to compliment the gentleman from Vermont (Mr. JEFFORDS) in his work.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio (Mr. SEIBERLING)?

There was no objection.

A motion to reconsider was laid on the table.

NORTH CAROLINA WILDERNESS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3960) to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "North Carolina Wilderness Act of 1984".

DESIGNATION OF WILDERNESS AREAS

SEC. 2. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Uwharrie National Forest, North Carolina, which comprise approximately four thousand seven hundred and ninety acres, as generally depicted on a map entitled "Birkhead Mountains Wilderness—Proposed", dated July 1983, and which shall be known as the Birkhead Mountains Wilderness;

(2) certain lands in the Croatan National Forest, North Carolina, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Catfish Lake South Wilderness—Proposed", dated July 1983, and which shall be known as the Catfish Lake South Wilderness;

(3) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately three thousand six hundred and eighty acres, as generally depicted on a map entitled "Ellicott Rock Wilderness Addition—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Ellicott Rock Wilderness as designated by Public Law 93-622;

(4) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately two thousand nine hundred and eighty acres, as generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Additions—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Joyce Kilmer Wilderness as designated by Public Law 93-622;

(5) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately three thousand four hundred acres, as generally depicted on a map entitled "Linville Gorge Wilderness Additions—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Linville Gorge Wilderness as designated by the Wilderness Act;

(6) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately seven thousand nine hundred acres, as generally depicted on a map entitled "Middle Prong Wilderness—Proposed", dated July 1983, and which shall be known as the Middle Prong Wilderness;

(7) certain lands in the Croatan National Forest, North Carolina, which comprise approximately eleven thousand acres, as generally depicted on a map entitled "Pocosin Wilderness—Proposed", dated July 1983, and which shall be known as the Pocosin Wilderness;

(8) certain lands in the Croatan National Forest, North Carolina, which comprise approximately one thousand eight hundred and sixty acres, as generally depicted on a map entitled "Pond Pine Wilderness—Proposed", dated July 1983, and which shall be known as the Pond Pine Wilderness;

(9) certain lands in the Croatan National Forest, North Carolina, which comprise approximately nine thousand five hundred and forty acres, as generally depicted on a map entitled "Sheep Ridge Wilderness—Proposed", dated October 1983, and which shall be known as the Sheep Ridge Wilderness;

(10) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately five thousand one hundred acres, as generally depicted on a map entitled "Shining Rock Wilderness Addition—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Shining Rock Wilderness as designated by the Wilderness Act; and

(11) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "Southern Nantahala Wilderness—Proposed", dated July 1983, and which shall be known as the Southern Nantahala Wilderness.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

EFFECT OF RARE II

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of North Carolina and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than North Carolina, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of North Carolina;

(2) with respect to the National Forest System lands in the State of North Carolina which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands designated by wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of North Carolina reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for wilderness study upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas

need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of North Carolina are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of North Carolina for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisons of this section shall also apply to National Forest System roadless lands in the State of North Carolina which are less than five thousand acres in size.

DESIGNATION OF WILDERNESS STUDY AREAS

SEC. 6. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness during preparation of the initial land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended—

(1) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately seven thousand one hundred and thirty-eight acres, as generally depicted on a map entitled "Harper Creek Wilderness Study Area", dated July 1983, and which shall be known as the Harper Creek Wilderness Study Area;

(2) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately five thousand seven hundred and eight acres, as generally depicted on a map entitled "Lost Cove Wilderness Study Area", dated July 1983, and which shall be known as the Lost Cove Wilderness Study Area;

(3) Certain lands in the Nantahala National Forest, North Carolina, which comprise approximately three thousand two hundred acres, as generally depicted on a map entitled "Overflow Wilderness Study Area," dated July 1983, and which shall be known as the Overflow Wilderness Study Area;

(4) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately eight thousand four hundred and ninety acres, as generally depicted on a map entitled "Snowbird Wilderness Study Area," dated July 1983, and which shall be known as the Snowbird Wilderness Study Area; and

(5) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately one thousand two hundred and eighty acres, as generally depicted on map entitled "Craggy Mountain Wilderness Study Area Extension", dated July 1983, and which are hereby incorporated in the Craggy Mountain Wilderness Study Area as designated by Public Law 93-622.

(b) The Secretary shall submit a report and findings to the President regarding the review required under this section, and the President shall submit his recommendations regarding the areas specified in paragraphs (1) through (5) of subsection (a) to Congress no later than three years after the date of enactment of this Act.

(c) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. The entire Craggy Mountain Wilderness Study Area, including the study area designated by Public Law 93-622, shall be administered in accordance with this subsection until Congress determines otherwise.

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I shall not object.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3960, the North Carolina Wilderness Act of 1984, as amended by the Senate. With the exception of certain minor technical amendments and the substitution of the new release language compromise which Congressman UDALL and I recently worked out with the Senate, H.R. 3960 is identical to the measure which passed the House by a vote of 398 to 21 last November.

Very briefly, the bill would designate approximately 68,750 acres of national forest roadless land in North Carolina as additions to the national wilderness preservation system. This acreage has been recommended for wilderness by the Forest Service, and comprises interesting terrain ranging from the scenic mountains in the extreme western part of the State to swamp-like ecosystems—pocosins—in the Coastal Plains southwest of Cape Hatteras. The bill also designates an additional 25,816 acres for further wilderness study.

I am aware of no significant opposition to these designations, and believe the fact that the bill's passage in the House and Senate was supported by the entire North Carolina delegation is proof of the fact that this is a consensus product. In closing, I would like to extend my sincere appreciation and thanks to Congressman JAMES CLARKE for his leadership and diligence in pursuing this meritorious legislation. The bulk of the land involved in H.R. 3960 lies in Congressman CLARKE's congressional district and I am certain that it would have been nearly impossible to piece together this delicate compromise bill without his tireless efforts and gracious diplomacy on its behalf.

Mr. YOUNG of Alaska. Mr. Speaker, I again believe that the total North Carolina delegation is in unanimous agreement on this legislation. Again I do not believe the areas have been properly inventoried, but better than the extent in some other areas.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio (Mr. SEIBERLING).

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4198 and H.R. 3960.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMPETITIVE GRANTS FOR BIOTECHNOLOGICAL RESEARCH IN AGRICULTURE APPROPRIATIONS CUT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, on Wednesday the House will take up the Agriculture rural development related agencies appropriations bill for 1985, H.R. 5743. I have before me the House Report No. 98-809 on that bill.

As usual, the Appropriations Committee and its distinguished chairman have produced an excellent bill with which I am in 99 percent agreement. I almost hesitate to mention such a modest difference as I may have dealing with possibly 1 percent of the bill.

But I do so because I think it is a matter of considerable importance. I was reminded of its importance by a story on the AP ticker which I just read a few moments ago.

I would like to quote briefly from that story. This is dateline Washington and it says as follows:

Genetic engineering, which already has raised the possibility of plants resistance to frost now appears ready to break a path to plants that can resist drought and salt water. Much further work is needed but to reach the goal of genetic enhancement against drought, the emerging technology must be closely integrated with established procedures of plant improvement.

Now, Mr. Speaker, this bill deals with precisely that subject in its research components and it was with great regret that I noticed that the committee, in its wisdom, had reduced the administration's recommendation for competitive grants for biotechnological research from $50 million down to $32,518,000.

Now this might not seem a large sum. It is not a large sum. But also, in addition to the reduction that has been here, a number of research programs that had been previously financed or funded under special research grants, programs which are valuable, which deal with specific problems such as soybeans, animal health, aquaculture, and so on have been moved from the special research section of the bill over to the competitive grants basic research section of the bill.

□ 1400

I know that the distinguished chairman of the full committee and the Agriculture Subcommittee must have many good reasons for acting as he has here, but I would like to tell the House that the Agriculture Committee and the subcommittee which I chair has been studying this subject now for several years. We agree with the administration on the importance of this area of research. We think that this is vitally important to the future of agriculture in this country. I hesitate to think that the distinguished chairman of the full committee might have inadvertently acted in such a way as to impair the future health of agricultural research in this country.

It is my hope that we can make some modest changes in the amounts which this bill recommends in order to correct what may be merely on oversight on the part of the Appropriations Committee.

THE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, in a little less than 3 weeks, Congress will once again be faced with a task it detests, raising the national debt limit, and once again we will go through what has become a grim ritual, wringing our hands over what we have wrought and then rationalizing why it should continue.

The rationalization will go something like this:

If we do not increase the debt limit still further, the Government will cease to function, millions of people will not get their social security checks, Federal employees will not get paid and essential services will be compromised, all of which will be terribly irresponsible.

Conveniently forgotten for a little while, at least, is the thought that we might really be evading our responsibilities by accepting that rationale, not meeting them.

Also overlooked is the possibility that there are other alternatives, that the choice is not limited to short-term calamity on the one hand versus long-term calamity on the other.

Mr. Speaker, my purpose in taking out this special order today is to point out that it is high time we stopped talking about the most obvious and effective of the alternatives, cutting the Federal budget deficit, and it is high time that we started doing it. For months now, the last 2 years, in fact, we have been hearing about how the majority party in this House wants to cut deficits. We have listened as they have accused the current administration of being responsible for the advent of $200 billion deficits.

We have objected as they have voted up budget resolutions and other budget measures designed to reduce the deficit by raising taxes not by cutting spending, and as they have voted down substitutes and amendments that would have done just the reverse. We have been amazed by the fact that the only segment of the budget they seem to be willing to cut is neither the biggest nor the fastest growing segment. That segment, better known as domestic spending, appears to be sacrosanct.

Let us look at a few figures and a bit of history. Just a few weeks ago we increased the public debt limit in this Nation to $1.52 trillion or approximately $6,000 for every man, woman, and child in the United States. The net interest on that debt is expected to amount to roughly $108 billion in fiscal year 1984 or approximately 59 percent of the estimated Federal budget deficit.

By contrast, just 10 years ago the national debt was only $544.1 billion and interest on that debt cost us only $23.2 billion.

From these figures it does not take much of a genius to figure out what is happening. The cumulative effect of past Federal budget deficits will make it increasingly difficult to balance future budgets unless dramatic remedial action is taken soon. The longer we put off the day of reckoning, the harder the task will be.

In tackling the task, it is necessary to put to rest some of the arguments for inaction that have been offered by some of my colleagues on the other side of the aisle. This being an election year, they like to point out that roughly $500 billion of the national debt has been accumulated during the past 4 years.

That may be true, just as it is true that roughly $300 billion was added the previous 4 years. But it obscures the key point, which is: Whose fault is that?

Is it not ours, in conjunction with the other body? Is it not Congress that under the Constitution has the final say as to how much will be spent and on what? And what about the fact that the current administration has spent most of the last 4 years trying to cut the rate of growth of spending, while the current Congress has been trying to increase it?

Indeed ever since Gramm-Latta 1 was passed in 1981, the Congress, led by this House, has been engaged in a piece-by-piece repeal of that legislation which had as its noble purpose the reduction in the growth of Federal spending. Just since the beginning of 1983, for example, this House has passed several bills unraveling parts of Gramm-Latta, including an emergency school assistance measure, a measure providing social services for low-income children, and, most recently, a measure calling for additional foreign language training for interested students and teachers.

Lest any of my colleagues who are listening think that these examples do not a pattern make, let me remind them that in 1983 alone, at least 15 amendments were offered to cut Federal spending and, even though there were rollcall votes, only three of them prevailed. Moreover, several other amendments were offered and adopted that actually increased spending, much in the fashion of the reconciliation measure that passed the House earlier this year.

Furthermore, there is every reason to believe that a number of other measures, either increasing the growth of spending or repealing parts of Gramm-Latta, or both, will continue.

For instance, the Energy and Commerce Committee on which I am privileged to serve just finished marking up a number of health and broadcasting bills which will be making their way to the House floor in the next few weeks and, almost without exception, these bills fit the mold just described. Of course, the House may choose to reduce the spending levels called for, and it is true that some appear to represent spending reductions when compared to 1984 authorization levels, but the first is not very likely, and the second is deceptive. So where does that leave us? Well, it leaves us with

H.R. 5603, an alcohol, drug abuse, and developmental disabilities bill which contains an 11.9-percent increase over what was appropriated in fiscal year 1984 for the National Institute on Alcohol Abuse and Alcoholism, a 17-percent increase over fiscal year 1984 appropriations for the National Institute on Drug Abuse, and a 16-percent increase over what was spent in 1984 for developmental disabilities.

□ 1410

Similarly, the family planning bill, H.R. 5600, contains a 16.3-percent increase over what was spent in 1984 for family planning programs, and a 104-percent increase over what was appropriated for the adolescent family life program.

Then there is the health manpower bill, H.R. 5602, in which the authorization levels for health professions, education, and nurse training are almost half again as high as 1984 appropriation levels, not to mention sizable increases for community and migrant health centers.

Similarly, H.R. 5496, the health care technology assessment bill, contains a sizable funding increase for the health statistics program—1984 appropriations notwithstanding, it calls for $11 million in excess of what was authorized last year. Let us not overlook either the Indian health care bill, H.R. 4567, or the bill providing forward funding for the Corporation for Public Broadcasting (CPB).

The former appears to project a major spending cut, but in reality, it authorizes such sums as are necessary or shifts the spending to other Indian health programs, while the latter calls for either a 47- or 67-percent increase in spending starting in fiscal 1987 over what was authorized previously.

As you may recall, in 1981, Congress established a funding level of $130 million through fiscal 1986 for CPB, only to change it last year to $145 million in fiscal year 1984; $153 million in fiscal year 1985, and $162 million in fiscal year 1986. Now the Energy and Commerce Committee is proposing to raise it to $238 million in fiscal year 1987; $253 million in fiscal year 1988, and $270 million in fiscal year 1989.

So much for cutting the deficit. Of course, the Energy and Commerce Committee is but one committee, but I rather suspect when we look at the other committees and what they are reporting, things are not all that much different. Except for national defense, which only constitutes roughly 28 percent of Federal spending, and has only gone up 25 percent in the past 22 years when measured in constant dollars, compared to 350 percent for social spending, the prevailing sentiment in this House seems to be keeping on increasing spending as usual. Maybe try and hide it a little, but certainly not anything that could remotely be construed as cutting spending.

Indeed, the modus operandi of the past quarter-century, tax, spend, and elect, is very much on track. We are taxing and spending like never before. The only question is, Will the people keep on electing those responsible? Does it have to be this way? Of course not. This Congress could avoid the necessity of increasing the debt limit or shutting down Government by substantially cutting spending.

There are a number of ways that could be done. Freezing spending at 1984 appropriation levels would reduce spending by $35 to $45 billion, depending on whose figures you believe. Adopting the recommendations of the Grace Commission could save us $98 billion to $424 billion over the next 3 years, again, depending on whose analysis you accept. Similarly effecting a percentage reduction in authorization levels of 4 or 5 percent could save us billions. If we do not want to specify the means by which the goal of a balanced budget should be accomplished, but still insure that such a goal is realized, we can pass a constitutional amendment calling for a balanced budget.

In fact, that may be the best means of all, for it insures against a relapse of the current condition provided of course that the States ratify such an amendment. Given the fact that 32 States have already called for a Constitutional Convention to adopt a balance budget amendment, I think that such ratification would be speedily forthcoming.

Mr. Speaker, the alternatives are there. All that is lacking is the will, and it is up to Congress to develop that. But develop it we must, for if we keep going down the road of deficit spending, all we can look forward to is higher interest rates, higher inflation, higher employment, recession, and perhaps, even depression. No nation can keep on spending beyond its means indefinitely without paying the price, and the longer we delay paying the price, the stiffer it will be.

I made reference earlier in my remarks to States of the Union that have adopted a balanced budget amendment request of the Congress, and I would like make reference to those States now.

Our Founding Fathers, when they organized our current Constitution back in 1787 in Philadelphia, contemplated the day when perhaps Congress, as it is organized today, would refuse to respond to the will of the people of this country. Today by poll after poll, 65 to 70 percent of the people of America, Democrat, Republican, and Independent, want the Congress of the United States to balance the budget, and they want it done through the medium of cutting spending, not raising taxes.

We are taxing Americans today at the rate of about 19 percent of GNP, which is close to a historic high. The problem is we are spending at the rate of about 24 percent of GNP. That 5-percent difference amounts in this current fiscal year to about $185 billion. In the face of this belligerence on the part of Congress to rein in this runaway spending, our Founding Fathers inserted a provision in the Constitution whereby the State legislatures of our country can petition the Congress to perform action in a certain area. In this instance, so far to date, 32 States of the Union have called upon the Congress of the United States to call a convention on the subject of consideration of an amendment to the Constitution which would require a balanced budget.

This movement bagan back in the mid-1970's when it became apparent that deficits in America—that is, on the part of the Federal Government—were approaching levels that the people of our country just could not bring themselves to accept.

So, under the leadership of one organization, the National Taxpayers Union of America, this effort began among the State legislatures of the country. In 1975, the States of Maryland, Mississippi, and North Dakota passed such a resolution. In 1976 the following States also passed such a resolution: Alabama, Delaware, Florida, Georgia, Nebraska, New Mexico, Oklahoma, Pennsylvania, and Virginia.

In 1977, Oregon, Tennessee, and Wyoming added their names to the list. In 1978, four States, Colorado, Kansas, South Carolina, and Texas, added their names to the list. In 1979, Arizona, Arkansas, Idaho, Indiana, Iowa, Louisiana, Nevada, New Hampshire, North Carolina, South Dakota, and Utah were added to the list.

In 1982, the State of Alaska; in 1983, the State of Missouri. These total 32; when the number gets to 34, our Constitution says that the Congress is required to call a Constitutional Convention on the subject. Where will those other two States come from?

In my home State of California, an initiative measure has qualified for the ballot, and there will be on the ballot in November of this year for voters in California, an initiative measure to determine if California will add its name to the list of States in this Union calling for the convention to come into existence on the subject of consideration of a balanced budget amendment.

There is an initiative effort currently underway in the State of Montana. The deadline for gathering of signatures, I am told, is June 29. If sufficient number of signatures can be obtained. Montanans will also have the opportunity in November of voting on

such an amendment. If the initiative qualifies there, and if it is approved by the voters of the State of Montana and California, and polls indicate that such a probability is a very good reality, then in that instance, we would have the 34 States required to call a Constitutional Convention.

It is my sincere hope that we do not have to go the route of calling for a Constitutional Convention or indeed calling a Constitutional Convention. I do not particularly want the Constitutional Convention to come into existence, and I do not think it is necessary that it actually be called. I would hope that we in the House, this House, and in the other body, before too much more time takes place, will have the courage to consider and propose a constitutional amendment to the States of this Union for the sake of determining whether or not the people of the States want to amend the Constitution with a requirement that we have a provision within it calling for a balanced budget for our Federal Government.

□ 1420

Here in the House the Members may be interested to know that a week ago, Thursday, a petition was filed, a rule was filed, with the Clerk of the House laying the foundation for a discharge petition which can be circulated for consideration by Members of the House 7 legislative days after that fact. We believe that the 7th legislative day will occur on this Friday, which means that under the rules of this House, we will be in a position to have the Members come to the well of the House here and sign a discharge petition in order to bring up for consideration on the floor of the House, House Joint Resolution 243, which is a proposed constitutional amendment calling for a balanced budget at the level of the Federal Government.

This measure needs 218 signatures on a discharge petition in order to be brought to the floor of the House for a vote. We are aware that in order to have a vote in this, the 98th Congress, on this issue we probably must resort to the discharge petition because House Joint Resolution 243, although it has been introduced some months ago and it has been reposing in the Committee on the Judiciary of this House, is not in friendly hands. In fact, that proposed constitutional amendment is in the burial ground of the House of Representatives in this democratically controlled House, in this instance that the leadership of this House, controlled by the Democrats, do not want that proposed constitutional amendment to see the light of day, and it is buried in that Committee on the Judiciary where, in order to bring it to the floor of the House for a vote, we must obtain what in effect is a stick of dynamite to blow it out of that committee and bring it to the floor of the House.

That is what that discharge petition is all about. We had to go this same route in 1982, and we were successful in getting the bare minimum of 218 votes so that we forced the House to give us a rollcall vote on House Joint Resolution 350 on October 1, 1982. The measure received on that occasion 236 votes, which is more than a majority but less than the two-thirds that is required in the Constitution for adoption of a constitutional amendment.

When discussions come from time to time, as they will, by any of us or among ourselves before our constituents in townhall forums or here in the House, questions often arise as to who really is accountable for this runaway spending that is going on in the Congress of the United States. Democrats blame Republicans, Republicans blame Democrats, the House Member blames the Senate, the Senate blames the House, the House and the Senate combined blame the White House.

What can a citizen believe with respect to accountability in our system? Who do you believe, when the question is raised as to who is responsible for this level of spending? Who can you believe, really? You can talk to your own Member, one of the 435 of this House, and you will get all kinds of answers as to why that Member is doing the right thing by his or her constituency.

I raise this question because I think it is appropriate for us to admit that there are different organizations here in Washington and around the country that annually conduct a survey to determine what we, the Members of the House, have been doing with the stewardship of power. I have not taken a count as to how many organizations rate Members of Congress. I would guess there are at least 25; maybe there are twice that many.

But there is one organization that I referred to earlier in my remarks that, on the issue of spending, does I think one of the most credible jobs, and that is the National Taxpayers Union. It has been in existence for some 12 years or so. It was organized, as its name implies, to represent taxpayers in America—taxpayers. We are all taxpayers, but our problem in terms of this runaway spending is that special interest groups come to Washington seeking relief for this or that cause which, narrowly, on the surface of it sounds so laudable and so merit worthy that a majority of us are hard pressed to not accept it. We could name them. They are in the hundreds of thousands and they formulate the special spending programs of the U.S. Government.

Our problem is, you put them all together and we have chaos such as we have today with spending outstripping the income by $180 billion.

But getting back to the point of accountability, how can the taxpayers, the voters of America, evaluate Members of the House so that they can determine in this election season who they want to come back here to represent them come January of next year when we organized the 99th Congress?

That is very significant, profound question. Why make reference to the National Taxpayers Union? That organization recently published and analysis of the spending records of Members of the House and Members of the Senate. It is a nonpartisan organization. It does not pretend to have a partisan or a ring to it. It consists of volunteer members around the country and they depend for their existence on persons who subscribe to their organization and the things for which it stands, namely, reigning in runaway spending in this country. It is the organization that I referenced earlier, back in the mid-1970's, which began the current effort to have the States of our Union adopt a provision through State legislatures calling on Congress to propose a constitutional amendment to the States calling for a balanced budget.

I think the Members have seen the recent publication for 1983 votes, and every Member of the House is identified in this list. The methodology of the National Taxpayers Union was to select 202 votes of all those that were taken in 1983 and the 202 that were selected involve spending excluding none. I want to make reference to the fact that they particularly did not exclude defense spending. In others words, any measure that the House voted on in 1983 that involved the issue of spending, 202 of them in the analysis of NTU, was evaluated in terms of how the Members of the House voted on that specific issue, and we Members of the House were rated with respect to those 202 votes.

The NTU, the National Taxpayers Union, divided all Members of the House into four categories: Good, 67 percent or more; fair, 40 to 66 percent; average, 21 to 39 percent; and big spenders, 20 percent or less.

The percentage score, the lower, indicated that the Member was more sympathetic to taxpayers interested in conserving spending and reducing spending than they were in increasing spending. The lower the score, the more concerned with taxpayers; the higher the score, the more concerned with special interests.

In case any Member or any person who reads the record or views these proceedings, anyplace in this country, wants a copy of this they can write to the National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, DC 20003, and they can obtain a copy of it and they can see how their Member equates on this list, which is

the most objective, in the opinion of this Member from California, in determining the issue of spending by Members of Congress.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I would be happy to yield to my colleague, the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, I wonder if the gentleman could give me that address again so that I could obtain one of those copies?

Mr. DANNEMEYER. That is the National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, DC 20003. If you write them, they will be happy to send you one. I think there is a nominal charge for it. You can correspond there with them and find out what that is, and obtain a copy of this analysis of every Member of the House for 1983.

□ 1430

They produce it once a year. For instance, they have an analysis for 1982. It is blue in color. The one for 1983 is green.

The advantage of the one for 1982 is that it also has a category as to how the Members of Congress in 1982 voted on the issue of a proposed constitutional amendment to require a balanced budget, and that vote was taken October 1, 1982.

Mr. MACK. Mr. Speaker, I wonder if I might ask the gentleman to yield again?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I had the opportunity just a few minutes ago to listen to some of the comments the gentleman was making as I was back in my office, and I thought to myself, first of all, how he ought to be complimented, he and the gentleman from Idaho (Mr. CRAIG), for really taking on this effort.

Here we have a situation where in 1983 we had the opportunity in the Budget Committee hearings to hear that we were going to have a $184 billion deficit in the year 1984, and it was projected out to $200 billion or maybe even more in the years beyond. And one would think that there would be some kind of a real ground swell of activity here on the floor of the House to try to bring to the floor of the House at least a discussion.

As far as the gentleman and I are concerned, it is pretty obvious what our position is, that we would like to see a balanced-budget amendment passed on the floor of the House, but at least we ought to have the opportunity to discuss and debate the issue here on the floor of the House, and it is interesting to see what you have to go through in order to represent the will of the American people to try to get that issue debated on the floor of the House. You have to go around, No. 1, and try to get additional States to call for a Constitutional Convention to place the pressure on Congress, as if $200 billion deficits were not enough, to place the pressure on Congress to debate the issue. Hopefully, it would pass, but at least that is just to debate it.

Let me ask the gentleman this question: Have there been any hearings so far this year on the balanced-budget constitutional amendment?

Mr. DANNEMEYER. To my knowledge, there have been none. The chairman of the Judiciary Committee, the gentleman from New Jersey, whom we all know, has not seen fit to hold any hearings.

Does the gentleman have knowledge of any hearing being set or contemplated?

Mr. MACK. The last time I raised the question I was told that there were no hearings, which I think is an indication of the apparent lack of concern on the part of some Members about the need to discuss and debate a balanced-budget amendment.

Now, having said that, it is interesting also that earlier this year some of us discovered that three was a technique to bring legislation to the floor of the House in essence to circumvent the power of the Speaker, and it is what is called Calendar Wednesday. As far as I know, it has been some 18 years or so since Calendar Wednesday has been used to bring legislation to the floor of the House.

Basically, what Calendar Wednesday says is this: If a piece of legislation has been passed out of a committee, that committee chairman then has the ability to brings that legislation directly to the floor of the House. Well, it is interesting in this case that not only do we have the opportunities not there under Calendar Wednesday to bring that legislation to the floor of the House, because there have been no hearings on it in the particular committees, but, as the gentleman mentioned, there is one final way to try to get that legislation to the floor of the House, and that is through a discharge petition. And I understand that that was filed, a rule was filed on that just several days ago?

Mr. DANNEMEYER. That is correct.

Mr. MACK. My point is this: Here is an issue—and one of the polls I saw recently indicated that 83 percent of the American people supported a balanced-budget amendment to the Constitution—where we have to go through the process of trying to get States to call for a constitutional amendment to talk about it. We cannot even get the Judiciary Committee to hold hearings on it. Therefore, we cannot use Calendar Wednesday to get it to the floor, and then we have to resort to a discharge petition in order to try to force the leadership of this House to bring this particular amendment to the floor of the House for discussion.

Mr. DANNEMEYER. Mr. Speaker, the gentleman makes a very good point.

I do not think there is any secret about the fact that we have two great political parties in this country, and this issue of spending and of wanting to rectify this imbalance divides the two great parties in this country as no issue could.

As proof of that I want to relate an assessment of the National Taxpayers Union in evaluating all Members of the House in 1983 on spending issues, because they mention the nomenclature and the use that I have previously described, but then they went on in a single category in this listing and they said, the best and the worst.

Now, the best, from their assessment, are Members who voted to cut spending, and the worst are the ones who are responsible for this irresponsible level of spending.

In the House they had 38 Members who were listed as best, that is, the ones that were, in their analysis, the ones who were truly trying to protect the taxpayers of this country, and they identify them by name. It is interesting to go down here in the list of 38 and see that there are 2 Members of the Democratic Party in that list of 38, and there are 36 Republicans.

On the other hand, they put in a list of the 40 worst, the 40 with the most big spending attitudes in the House of Representatives in 1983. And it is interesting, by way of contrast, to notice that there is not one Republican in the list of 40 worst; they are all Democrats.

So when the gentleman says, as he has just pointed out, that the Democrats control the House, the Democrats control the Judiciary Committee where the constitutional amendment is reposing, the Democrats refuse to bring that issue for a hearing before the committee, and the Democrats refuse to bring it to the floor of the House, is there any wonder why they are resisting that effort? They are the ones, by this record, who are responsible for this irresponsible level of spending, and they do not want that record brought out.

Mr. MACK. Mr. Speaker, will the gentleman yield further?

Mr. DANNEMEYER. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I was going to ask the gentleman if he would read the names of the 40 Members at the bottom of that list, but I think that, after some of the discussions we have had around here in the last several weeks about reading the names of

Members without giving them advance warning——

Mr. DANNEMEYER. Mr. Speaker, the gentleman makes a good point. I think we should read their names, but before we read their names, under good procedures and practice in the House, we should send these Members of the House a letter and tell them we are going to mention their names on the floor of the House on a particular day in this context, and maybe they would like to come here and debate this issue of how they happen to find themselves on this list of big spenders.

I would not want to mention their names today, but I am glad the gentleman mentioned that because I think we ought to send them a letter advising them that we are going to mention them.

Mr. MACK. Maybe what we ought to do is get—did the gentleman say there were 38 Members in the best?

Mr. DANNEMEYER. Yes, the best.

Mr. MACK. Maybe we ought to get those 38 Members to come down here and debate those 40 Members on the bottom and see where the discussion goes.

Mr. DANNEMEYER. I think that would be one of the most interesting discussions we could have in the House.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend, the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I just wanted to inquire of the gentleman if my name happened to be in the list of 40.

Mr. DANNEMEYER. Well, let me read it here and see.

Mr. GONZALEZ. Because if it is, I will give the gentleman full clearance to mention my name all he wants to, provided he spells it right with a "z" at the end, because I think that is kind of a badge of honor to be on that kind of list, in the Tax Dodgers Defense League, which is what I call that organization.

Mr. DANNEMEYER. Let me see. Well, I will say to my friend, the gentleman from Texas (Mr. GONZALEZ), that he just missed the cut. The biggest spender starts at six.

Mr. GONZALEZ. I just wanted to advise the gentleman that as far as this Member is concerned—of course, I am a Democrat—if I am on that list, he does not have to write me a letter; he can mention it and also say that in my opinion that is a badge of honor to be on what I call the Tax Dodgers Defense League, because that is what it is.

We have a local Tax Dodgers League, too, and I have had ratings from that ever since I was on the city council. So I do not want the gentleman to think that I consider libelous or anything like that any mention of my name in connection thereto.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DANNEMEYER. Mr. Speaker, I will just elaborate to this extent: The lowest score was 6 of the 40, and then it went to 13, being the highest score in the cut, and the gentleman from Texas had 14. So he just missed the cut.

Mr. GONZALEZ. That is pretty good. I have done something wrong somewhere if I am that high.

Mr. DANNEMEYER. It all depends on your point of view, and I think the taxpayers of your district would like to know this.

Mr. GONZALEZ. That is right.

Mr. DANNEMEYER. They would like to know how you are conducting your affairs here, and if a majority of the people——

Mr. GONZALEZ. Oh, I do not worry about the taxpayers. I have had to defend every 2 years on an average, with the exception of when I served 5 years in the State senate, and I have had to go back before the electorate and the taxpayers of my area. I do not worry about that. I have worried about the tax dodgers. That is my worry.

Mr. DANNEMEYER. I join the gentleman in worrying about the tax dodgers, and if he has some constructive way to get after the tax dodgers, I will join him in that. I want him to know that.

Mr. GONZALEZ. All right, that is a promise.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman very much.

Let me make the point that I would like to conclude on in this special order. First, I thank my colleague, the gentleman from Florida (Mr. MACK), and my colleague, the gentleman from Texas (Mr. GONZALEZ), for their comments in response to what we have raised on the point of this discussion today. My final point is this: beginning early next week we will have a discharge petition in the well of the House, and I would hope that my colleagues, those of us who share the philosophical point of view that we should put into our Constitution a requirement that we have a balanced budget in America, will help us in doing so.

□ 1440

I think it is appropriate for us to recognize that some of our Founding Fathers had tremendous wisdom when they drafted the document known as the Constitution of the United States. Thomas Jefferson is responsible for drafting the Declaration of Independence.

History tells us that when the Constitutional Convention of 1787 was held in Philadelphia, Mr. Jefferson was in Paris, France, representing this country to the Government of France. While there he wrote a letter to James Madison, who was in Philadelphia, advising Mr. Madison as to some thoughts Mr. Jefferson had as to what should be in the document that came to be known as the Constitution of the United States, now reposing over here on Constitution Avenue in our Archives.

Mr. Jefferson said that he, Jefferson, thought that a provision belonged in the Constitution which would prohibit the U.S. Government from going into debt, because on his analysis of the history he believed that if the politicians of the country could place the country in debt without limitation, the public pressure to do so would soon be forthcoming because special interests who would be interested in spending would bring pressure to bear on Congress to vote programs for special interest groups without regard of the impact on taxpayers.

Unfortunately, the advice of Mr. Jefferson to Mr. Madison was not followed in the sense that it did not get into the U.S. Constitution.

We have today, almost over 200 years later, really the responsibility for in effect replacing that oversight that our constitutional founders put into the U.S. Constitution; namely, a provision limiting the Congress in its ability to go further into debt.

My colleagues know that we have had a law in this House which we adopted as Members of Congress, a statutory law calling for a balanced budget at least since 1979, 5 years ago.

What do we do? Each year a provision relating to the annual budget consideration comes up, we blithely waive that requirement and go about the business of adopting budgets year after year which are heavily in deficit.

It is appropriate at this time for a provision to be placed into our Constitution which will put limits on the ability of this Congress to spend and transfer debt to future generations. I believe in this context it is fitting that we sign the discharge petition, bring it to the floor for a vote by Members. That will establish accountability around this country as to who is responsible for voting it up or bringing it forward, and on that basis and on that issue of accountability we could determine who should come back here in January 1985 and be a part of the organization of the 99th Congress.

Mr. Speaker, I yield back the balance of my time.

RELIEF FOR FACILITY OF THE AMERICAN UNIVERSITY OF BEIRUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, recently I introduced legislation (H.R. 5728) to

provide relief to lawful permanent residents of the United States employed by the American University of Beirut.

Under current law, lawful permanent residents of the United States risk losing their immigration status by engaging in an activity which is very much in the interests of the United States—teaching at the American University of Beirut. This university, an American institution chartered in the State of New York, performs a vital educational role in a troubled area of the world. The threat of possible loss of lawful permanent resident status in the United States is a strong disincentive to teaching at the American University of Beirut—particularly in view of current conditions in Lebanon. Dr. Malcom Kerr, the university's late president, discussed this immigration matter with me last year. The tragic events since that time have included the murder of Dr. Kerr.

My bill provides that lawful permanent residents of the United States will be considered to be visiting abroad temporarily during periods of employment by the American University of Beirut. The legislation will provide protection, when they return to the United States, to the approximately 12 percent of the faculty with U.S. lawful permanent resident status. Immigration officers no longer will be able to challenge this small group of returning U.S. residents on the ground that they allegedly have given up their immigration status in our country.

The interest of Members of Congress in finding a solution to this problem has encouraged faculty members to remain at the university for the time being. Legislative action, however, is urgently needed to remove a serious impediment to the future of a critically important educational institution in the Middle East.

The contributions of permanent U.S. residents to the educational efforts of this great university promote international understanding. We must now do our part to help these faculty members with ties to the United States so they can continue their important work.●

CRISIS IN THE AMERICAN BANKING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise impelled by what I consider two immediate and transcendent issues with a very troubled mind and heart. The first has to do with what I mentioned not too much in detail, but referred to it last week, and that was the occasion of the demise of the Continental Illinois Bank, with a bailout required of over $7 billion, of which, of course, every bit directly and indirectly is a guarantee from the taxpayers.

We were talking about spenders and taxpayers and their defense. I think it is interesting to note that at no time is this kind of a bailout looked at from that point of view; but that is not in itself really what is bothersome. It is the fact that after 18 years of speaking out, warning, failing to arouse what my colleagues described as an inertia and penetrating the level of consciousness of the overwhelming preponderant Members of Congress since 1966, the occasion being then the first credit crunch, as the name was devised them.

I think my colleagues ought to be aware of the fact that the issue now is immediate. It is a crisis, and as I said also earlier this year, it is too late to do anything about the warnings that some of us have been raising since 1966 and even before, but with particularly insistency since 1966, but it is time to consider getting what I have called the pincers to get this hot potato and handle it as best we can when the crisis gets to the proportion of an emergency and, therefore, the kind of frenetic overreaction that is typical of all crisis reactions. That is one thing, because the Continental Bank merely reflects the very bad state of affairs in our banking system.

It was incredible to me and therefore impelled by the same motive that impels me to speak today, I rose first in 1978 and for the second time in 1979 and spoke of the tremendous incremental increase of overhang, as I labeled it, of the American banking system in lending to nations that were not in a position to pay back.

It was a case of very, very careless neglect, incredibly irresponsible bankers loaning to rather unprincipled borrowers, in both cases I think the lack of basic principle is extent, unbelievable.

This had been assumed, but never happened since the depression, so that in 1979 I brought out in those remarks that I made to the Members that for the first time since the depression era, or more precisely since 1932 and particularly in the basic Banking Act of 1935, which literally was done away with substantially, if not completely, in the so-called amendments that we imposed 2 years ago in October, it will be 2 years in October, and homogenized our Federal institutions and incredibly reverted to the predepression era financial institutional framework of reference, all this being reflected in separate but rather isolated crises, such as housing, the homeownership crisis or several generations of Americans having been or being deprived of the great dream, the ownership of a home.

All of these are interrelated, as I tried to bring out, but in 1979 I pointed out in mathematical terms why incredibly all of the variables were in place in the equation that provided us the crash or the economic crisis of 1929, the Black Friday of 1929 and the consequence.

Now we are speaking in a day and time in which I represent a smaller segment of the survivors of that period of time and being blessed or otherwise by a good memory, I have researched constantly that period of time.

So in 1979, there was no question about it. For the first time the possibility of not national, but worldwide catastrophe was quite obvious, and I mentioned that.

It would have been, I guess, overlooked completely, like the remarks that may be, except by people interested out in the various States that have continued all along with me. The fact is that the Chairman of the Federal Reserve Board did take note.

□ 1450

He thought it was important enough to call me the very next day and invite me to have breakfast, which I did, the following day. In other words, 2 days after making the speech.

In the course of the breakfast, the Chairman said that the reason he had me there was because he had read the remarks I had made, that he wanted me to know that I was correct when I had stated that in less than 1½ years the rate of growth of this type of lending by private institutions had grown from about $2.5 billion to $3 billion to over $47 billion.

At the same time, our banking system was being literally flooded to the point of 25 percent or better by the so-called recycling of the Arab oil money which made our system very vulnerable to pressures and the floating nature of this money that otherwise has been defined as hot money.

We had gone through that in 1970 when just a mere transfer of hot money, of a little less than $8 billion, created a crisis then, a dollar crisis in 1970. So that all of these common events had cast their shadow before, but mathematically there was no question about it because bankers throughout the world and throughout history have had a rule of thumb of what they called the 22-to-1 ratio. I pointed out that this had been reached at least by the third, fourth quarter of 1979.

The Chairman said that is correct. And he said, "I want you to know that I tried to do something with the bankers. I happened to have been their guest at their convention in Honolulu, and I referred to this. I met with them in private and I said, 'Look, this is dangerous and you must restrain yourselves.' They became incensed and literally would have none of it and chased me out."

I could not believe what I was hearing. I said, "Mr. Chairman, what are you going to do about it?"

I could not believe it when he said, "Well, I really cannot do much other than what I have already done." And I pointed out the section in the Federal Reserve Board Act which certainly he could have invoked in which he could have done more than just moral suasion, more than arm twisting or more than touching the flesh, as he had indicated.

But he did not seem to be aware of the fact that much could be done under that or any other section. But, of course, the truth is that it could and it can.

But this is the reason that I have addressed what I consider to be the fundamental problem: the reason why our country now is being flaggellated very much domestically like some of the countries we call the lesser developing countries or even the developing countries. In my district the situation has reached the point that I think is very explosive.

I pointed this out. I predicted to the Chairman of the Federal Reserve Board and I pointed out that the Congress had created the Board because he seemed to indicate to me the common notion that this is an independent, autonomous body. And the truth is that it is not really a Federal agency.

It is known as the Federal Reserve Board. Indeed and in fact it was created by the Congress. It was not struck from the brow of Jove, the Greek god. It is an institution that is the creature of Congress. Congress is the body most directly amenable to the source of our power, which is the people.

But when I mention this some Members look at me askance as if I had said I am a Socialist or a Communist, you know, because the Socialists and the Communists have taken over those words. They call themselves the People's Republic of China. They call themselves the People's Democracy of the Union of Soviet Socialist Republics. Everything is done in the name of the people.

But they do not have a constitution like we do. The first words in the Constitution are exactly the fact that the sovereignty, the power is emanating from the people. The first words of the Constitution say "We, the people of the United States." It does not say "we the Congress," it does not say "I the President" and it does not say "we the judges." These are the three basic organs of our Government, each separate, coequal, and independent.

How many Americans today think the President is not supreme and omniscient, even in the Congress? It is the same with the Federal Reserve Board. It has reached a point where it is not amenable on accountability to anybody.

Yet they have shaped what we call in technical jargon the monetary and the fiscal policy of our country. They are the ones that are determining even our domestic priorities.

What is going to be the priority: housing for Americans, food stamps for the poor and hungry? No. The priorities shall be high, usurial, extortionate rates of interest that all through the history of mankind have gone hand in hand with the decline and the destruction of civilization. No civilization in the history of mankind's history, written and otherwise, from as near and far back as we can read to the times of Hammurabi, 7,000 years before Christ, indeed and in fact as the Lord Jesus Christ was preaching and living there were laws against usury, even then, harsh, strong laws.

But today in America, everybody shrugs. If a little businessman, in order to try to acquire an inventory, has to borrow money and has to borrow it at a rate of almost if not 20 percent right now, there is no way that man is going to stay alive and earn a profit. Our Government, nobody, all of the redeemers of the taxpayers, all of the holy redeemers about a balanced budget do not mention that this year's charge for interest to the taxpayers will be over $150 billion.

Interest by definition is the most inflationary thing in the economic life of mankind. It is something for nothing.

The taxpayer right now in the management of the debt, which, incidentally, is conditioned and has been completely forged by the Federal Reserve Board and its policies, the Federal Reserve Board has usurped its function. It is out of control. And when they spread the doctrine that high interest rates are an act of God, and depending on what serves the purpose of their policy, for instance, just a few years ago they said if inflation goes down, interest rates will go down. Now they say no, it is the debt, this huge debt which the very same policies, fundamentally, that the Federal Reserve Board has dictated are the main cause, the main cause.

These are manmade problems. God did not ordain it. They are susceptible to manmade solutions.

But in order to do that now, in time, it is impossible. So, therefore, we must address what can be done at this point.

I think the only thing that we can do, and I have suggested in specific terms those things that are possible, yet only to stem the impact of the fall.

The house of cards has to crumble. It is inevitable now.

In 1979, yes, it could have been prevented. Not now. And when we see Continental, yes, $1 billion that created $1.3 billion, that created the immediate prices for Continental Illinois was the downfall of the Penn Square Bank in Oklahoma.

□ 1500

Now, I have been on the Banking Committee since I came to the Congress 22½ years ago. I have served for 5 years in the State Senate of Texas and had the honor, in my last session, of presiding over the Senate of Texas' Committee on Banking. It is a field in which I feel I have developed a special knowledge and preparation.

But now what is happening, and the American public and the Congress have not been as such informed, is the reason I am impelled to speak at this time even though I have made reference, maybe perhaps tangentially or by corollary, but nevertheless quite specifically, and I mention the visit with the Federal Reserve Board only because I want the record to show that there have been voices in the Congress which have spoken out; which have at least put it on the record. The record is there.

What I say today is no more than a reflection of what has been said for the record; not in private, not on the political stump but here in the forum where properly it is my duty to report and speak.

In fact, as I have said, those are the only two powers that any Member of the Congress has; the right and the duty to vote and to register his voice for his district. That is it. Other than that, the rest is something that has happened incidentally to discharge the obligation of representation from a given district.

But it does not mean that because of fear of offending the great and those in power today, overweaning power, the power now to dictate monetary fiscal policies. What does that mean? Those are big words. What they mean is, how much interest you shall pay if you want to purchase a mortgage to own a home.

And, of course, that power is the power to destroy. And that power has been exercised by persons not elected by the people, not amenable and accountable to the people that the people have chosen to represent them and be accountable to them.

The Federal Reserve accounts neither to the President nor to the Congress, yet the Congress created it. But all along that has been the struggle. I brought that out in remarks I made for the last 6 years; the history of this and the struggle that has been identified from the formation of this Nation as a nation.

The First, the Second Continental Congresses, then that was the issue. Thomas Jefferson spoke eloquently then. It was the issue later with Andrew Jackson. It was the issue up-

permost in mind on Abraham Lincoln's mind before the time he was murdered. It was the uppermost thing in the mind of President Wilson at the time of the outbreak of World War I and certainly it was not until the creation, for instance, of the Open Market Committee.

Now, there is no provision in the Federal Reserve Board Act that created that. And that was created about 1923. And that was the fatal turning point. That was the turning point at which the policies that today also dictate the very all-important question of war or peace, for there is an interrelationship on what is happening just south of the border.

Also, what is happening now in the Middle East? I believe that not enough has been reported about our Government's acceptance of a responsibility such as guarding, with our Navy and Navy ships and airplanes, those oil ships belonging to countries such as Turkey and others that find themselves exposed to the war raging between Iraq and Iran.

It is this war that has overshadowed everything else, as I tried to bring out when we were trying to break through the level of consciousness of our decisionmakers from the White House on down about the presence of the marines in Beirut.

I was the first to ask the President: What is their mission? That never was defined; with the fatal consequences that we all deplore.

The same thing is happening now, except this time on the shores there in the strait; we have Navy ships but we are not there other than as sort of enforcers for what is left of the neocolonial powers. They are using our navies to protect their oil shipments.

Is our national interest involved? Yes. I know President Carter said and he drew the lines, he said the Strait of Hormuz, that we will fight. But why? We are really dependent for less than 6 percent of our oil from there.

Not so the other countries, and particularly the other former Middle East colonial oil employers.

Now, if we were neutral it would be fine, but just as in the case of the marines in Beirut, when the President later tried to say that they were peacekeepers, which of course is a shocking contradiction; marines are not politicians; marines are not diplomats; marines are fighting men; they are warriors.

And when you do not define a warrior's mission that means you are exposing him to murder, you are exposing him to defeat. And in the Iranian-Iraqi war we are not neutral. We are sharing with Iraq on a daily basis our military intelligence with the military intelligence of Iraq. This is hardly being a neutral.

So I foresee great peril; great involvement, for it is not difficult to imagine, you do not have to be a prophet to know that if you are escorting a ship that is going to be torpedoed or bombed and the warship, whatever one it is, is in between; it is exposed to attack, too. Then who is the enemy? Who do we fight back?

Just as in the case of the marines in Beirut when we ordered our planes to bomb the hills up above, who were we bombing? Were we bombing the tribes, various contending tribes there that were part of it? Or were we bombing the Syrians? Nobody ever found out.

The thing is that that course was disastrous. We are following an equally disastrous, inevitably, policy immediately to the south of the border.

In the smallest nation in this Western Hemisphere we have involved ourselves and our warriors in a way that cannot be conducive to eventual victory.

In the case of Nicaragua, where we must face it, and it sounds harsh but it is true, and world opinion is solid, solid on the other side, solid; the Western Hemisphere, Europe, everyone else.

We are surrounding Nicaragua with over 30,000 of our soldiers, sailors, and marines. We have been at war with a regime that we send an Ambassador, fully accredited, so that in the world a diplomat at once sent and accepted by the host country means that that Government is recognized as one that is at peace with us and whose regime and its ligitimacy we recognize.

□ 1510

Otherwise, why do we have an Ambassador, but we do in Nicaragua.

At the same time, we are adding, abetting, and funding a group that is attempting to knock down the present so-called Sandinista regime. And through the CIA have attempted to murder their leaders. We have mined their harbors.

I was here during the so-called debate on the War Powers Resolution and nobody seemed to ask the question, how would we feel if Nicaragua mined the Chesapeake Bay. What would be our feeling.

So that what I see now and I think it is too late to reverse because the President, even today in Ireland, is reaffirming his justification for those acts. Those are acts of war. The World Court unanimously had held us in defiance of international law.

Now, this is wrong. I know it hurts to say so, but if we deceive ourselves, as we have in the past, I see nothing but tragedy and tragedy for our children and our children's children and their children because we are setting them in a irretrievable course of hostility, enmity, and war with the very neighbors destiny says we must share the future forever and a day.

If we have no better means than we have devised now mostly because of the misconceptions of our leaders, the world has changed down there as it has everwhere else, but not our policy. This administration's policy is a reversal to 1929. I cannot believe it even now, never would have dreamed it. Just a few years ago I would have sworn that would have been impossible. But we are, we are sending the marines again.

The CIA and its operating methods have changed none. Obviously in Nicaragua the CIA, whatever segment is in control, because unfortunately like the case of the Federal Reserve Board where you have any organization, and governmental agency, such as the CIA or the Federal Reserve Board not accountable to anybody, there is nobody that I know can tell me the exact amount of money that is given the CIA. So when you have that situation history shows that unaccountability unfailingly, unceasingly leads to abuse. So we have had it actually compromising our country and our children in their assassination of foreign leaders, in the attempting assassination on many others. This is wrong. There cannot be any justification. There is nothing that America can do wrong once it maintains its loyalty to its basic history and its institutions and the Constitution, nothing.

This is what the world is crying for. Even the Nicaraguan populace in the main still cannot hate Americans, but they will. As I see it it will be inevitable before our soliders in the name of fighting communism, putting down a threat, which will become real because of the very policies that we have insisted on. After all, if the King of England, in 1776, 1774, and 1775, had had that complete power over the colonies, which he attempted and we had not had the help of those foreigners, according to the English, the French, the Spanish, and they were indispensable to our victory, George Washington would have never have had Cornwallis handing over his sword if the French fleet had not blockaded our shores.

So let us face it. If we do everything we know how through I think the means that we associate with totalitarian regimes, to kill their leaders, to put down an indigenous civil war, the civil war that dethroned Somoza, who incidentally we imposed on the Nicaraguan people and kept up. When the Nicaraguans arose they did not do it because they had the Cubans, or the Castroites, or the Russians, or the Communists, this was an indigenous civil war, native, native to the terrain.

So let us assume that we through CIA and its tactics and through direct assault somehow or other dismember the Sandinista government. Who can provide the government to rule Nicaragua other than at the point of American bayonets? As in the case of Cuba even. If the Bay of Pigs invasion

had succeeded, nobody has bothered to ask what then? Obviously if the group putting the invasion together, so-called Cuban refugees in Florida and other places, had won, they would have never been able to have governed Cuba, because they could not even govern themselves. They could not even find harmony among the desperate groups, unless the United States had been willing to come in, take over, physically station itself in Cuba and govern it.

We do not have the resources to do this in even Central America, much less what we call Latin America. We can impress every able-bodied man and woman in this country and we will not have enough. What we are doing we are going to impel our soldiers in the attempt because eventually that is what it is going to take. Just last week—there is no question in my mind who did it—one of the leaders of the so-called rebel groups trying to knock over the Sandinista regime, Commandante Serro Pastora was bombed when he was having a press conference in the jungle, killing an American correspondent and several others. Miraculously he escaped. He had been standing up to the CIA and saying, "Hey, look you are helping Somozistas that I helped to knock out. Yes; I am against this regime because I believe that they have subverted the principles of the revolution, but I am not going to join you with this group."

And he was giving the CIA trouble because the CIA mandated unity 2 weeks ago. So who tried to eliminate him? Well, at the point where it happened it could hardly have been the Sandinistas. I will assure my colleagues of that.

The point is not what we think, but what is it that is the general impression there, even in occupied Honduras where we have now way over 10,000, 15,000 troops. What I am saying is we will not isolate any more than we did in Southeast Asia if we reach that point, whether it is Salvador, or whether it is Nicaragua, particularly Nicaragua, without our soldiers having to go in and do the same thing as in South Vietnam and that is to kill children, women, old men, and kill them by the thousands.

□ 1520

And then what will we have? We will have proscribed our children, our grandchildren, our great-grandchildren and their children to an eternal animosity and hatred, because up to now we have taken the side of the murderers, the oppressors, the tyrants in the part of the world that today exceeds in population for the first time in the last 10 years—the population south of our borders is greater than ours by over 50 million, and they are not going to take what they have taken for 200 or 300 years any longer. And whether we identify with those aspirations or identify with the oppressors is the issue. And up to now, in the name of fighting communism—well, communism per se can never be bombed out of existence any more than any other idea.

But what is it we are seeking? The President says that the presence of Cubans and Russians in El Salvador and in Nicaragua is of such a nature that it is a threat to our national security.

There is not one observer anywhere in the world who has been there that agrees with that interpretation. But we will fast make them seek and obtain the aid then, because, after all, self-preservation is the basic law of life. But it will not be because the revolutions and the civil wars were imposed by external forces but because we will have imposed by force of arms our will in overcoming those indigenous outbreaks, those native civil wars.

At no time in history—and we should have learned that since 1918 when we invaded Russia with the French and the English, to try to put down their then revolution. We did not succeed. We have not succeeded at any other time when the same principle is involved.

Our diplomacy is so inadequate and such a failure that we have not even developed a policy to distinguish between the native, the indigenous, from that which truly might have been overwhelmingly influenced by external forces, Communists, if you please.

And so with that in mind, and with what is happening in Guatemala completely unreported now, yes, maybe, just maybe, we can muddle through this year in Salvador, maybe even in Nicaragua, maybe; but we will not in Guatemala. And when Guatemala really blows up—and it is going to, just like the financial house of cards—and I will go back to that because there is a correlation.

Bolivia last week announced that it would have to postpone its payment on what? Interest on interest. Again, you see, the American people are very docile. But I say to all of these panjandrums of power: Beware, beware when the patient loses his or her patience.

But down there they have already lost their patience. And so this week the four leading debtors are meeting, meeting to see how they are going to stand up to our bill collectors.

Down there we are interpreted in our armed invasion of that area. Never in the history of this part of the world has there been that kind of military presence such as President Reagan has ordered for the last 2 years on both sides of the isthmus and clear down to South America.

And these four countries, the principal debtors, are meeting. The bankers here are shaking. Continental Illinois Trust is just the first little boil. The $1.3 billion that they lost in bad energy loans through the Oklahoma Penn Square Bank was not the issue. The issue was considerably more billions that the bank had and has down in Latin America. And let me assure these bankers the way they have fixed it now, even Chairman Volcker, of all people, was suggesting last week that they reduce, that they stretch out and reduce at least the payments of interest.

And as one of the leading Brazilians said, well, even that is too late, because that still would be no less than 12½ percent. It is too late.

The bankers refused even Chairman Volcker's attempt to help bail out, even though Chairman Volcker is a creature—he is not independent—he is a creature, certainly the creature of the Chase Manhattan where he comes from and when he is through as Chairman he will go back to, he will be back on their payroll. They are not going to be independent of those bankers. That is why I introduced not only my impeachment resolution but three bills for 18 years to restructure and redefine in conformity with the intent of the original Federal Reserve Board Act of 1913.

But what is the problem right now? The Continental and these other banks which are so refusing to do so because they cannot afford to do so, because they have loaned out more money just in these so-called subdeveloping and developing nations south of the border than their entire capitalization structure.

Now, no bank in our little cities, no so-called small bank, would ever do that without the board of directors kicking out the president of the bank. But today these presidents became so all powerful they could dictate to the Federal Reserve Board just what they wanted done.

They did things that I know were wrong—and I was a lone voice trying to find out if we could get an audit. You know, the Federal Reserve Board does not even have an Inspector General. But I latched on to some information about 10 years ago in which there had been a leak from this so-called open market committee which resulted in two of these big banks making a big windfall of millions of dollars.

And the particular member at that time involved, when I raised the issue, went back to the city of Philadelphia, and then died. But when the chairman of the board first came after that to the committee, I was the one who raised the issue, and the then chairman of the committee said, "Well, you know, we cannot avoid that, how do you answer it?"

And he said, "Well, I tell you what, we will have an investigation."

What kind of an investigation? An in-house investigation.

One year later, we could not get the report. It took 2 years before I finally got it. And what was it? They retained a law firm, which also happened to be the law firm of the principal bank involved, and they came back and said it was not a leak, it was malinformation the board put out.

And there it was. I printed that report for the record about 2 years ago. So we will not go into that. All I am saying is that at this point I am urging my colleagues to consider the fact that if the crisis hits all at once and you have a conjunction of events, you have the events deteriorating in the Middle East, you have the events as they inevitably are—I can assure you this. In Guatemala, we have had the equivalent—you talk about holocausts, we have had genocide. There has been one Mayan tribe that has been exterminated the poorest of the poor. They were so poor that they were even outcasts of the poorest in Guatemala. You have over 50,000 refugees into Mexico where there has been a traditional hostility. But our politics ever since General Haig was Secretary of State has been to revive these ancient animosities between these countries. It is ironic that what this administration—Secretary of State Haig, President Reagan—consider it below the dignity of the United States to do, which is to join in concert with these other four or five nations to obtain a peaceful solution, which certainly can be obtained. We rejected that in preference to unilateral military intervention, forever destroying our leadership capability in a collective way in the New World. We have destroyed it. It is gone. It is just so hurtful, that it takes very special effort to even report it. But I do so out of a clear responsibility of conscience, regardless of consequences. After all, I think that through the career, the people have demonstrated that given the facts, no matter how controversial, and no matter how temporarily upset, in course of time they make the right decision, and they do the right thing. But they have got to be informed, and this is the reason I am impelled to speak, because these are things that are not said during debate. You cannot get time, to begin with, on general debate on such things as the War Powers Resolution and the like.

□ 1530

I urge my colleagues to study some of the recommendations I have made and that I have introduced. I will be glad to supply that information to any of my colleagues who are interested enough to seek it.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ACKERMAN) is recognized for 5 minutes.

● Mr. ACKERMAN. Mr. Speaker, I was unavoidably detained at a meeting in New York during a part of the consideration of H.R. 5167.

Had I been here, I would have voted—

"No" on rollcall 197, the Price amendment to the Dickinson amendment to H.R. 5167, the Defense Department authorization for fiscal year 1985;

"Yes" on rollcall 198, the Bennett amendment to the Dickinson amendment to H.R. 5167; and

"Yes" on rollcall 199, the Dickinson amendment, as amended, to H.R. 5167.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. MICHEL), for today and the balance of the week, on account of hospitalization.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANNEMEYER) to revise and extend their remarks and include extraneous material:)

Mr. CAMPBELL, for 15 minutes, on June 6.

Mr. FISH, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. WEAVER, for 30 minutes, today.

Mr. WEAVER, for 60 minutes, on June 15.

Mr. WEAVER, for 60 minutes, on June 18.

Mr. ACKERMAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOODY, preceding the vote on H.R. 2889 today.

(The following Members (at the request of Mr. DANNEMEYER) and to include extraneous matter:)

Mr. KEMP.

Mr. FRENZEL.

Mr. YOUNG of Alaska.

Mr. MCEWEN.

Mr. COURTER in four instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. GARCIA.

Mrs. BURTON of California.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in 10 instances.

Mr. UDALL.

Mr. BONIOR of Michigan.

Mr. KILDEE.

Ms. KAPTUR.

Mr. VENTO.

Mr. PEPPER.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 5, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3444. A communication from the President of the United States, transmitting a report on the survivability, cost effectiveness, and combat effectiveness of each ship for combatant forces for which authorization is requested for fiscal years 1985 and 1986, along with recommendations whether the ships should be nuclear or conventionally powered, pursuant to 10 U.S.C. 7310(b); to the Committee on Armed Services.

3445. A letter from the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, transmitting a report on the progress in encouraging governments, central banks, and regulatory authorities of major banking countries to work toward maintaining and strengthening the capital bases of banking institutions involved in international lending and the actions taken to implement the program of enhanced supervision of international lending, pursuant to Public Law 98-181, sections 913 (2) and (3); to the Committee on Banking, Finance and Urban Affairs.

3446. A letter from the Secretary of Education, transmitting proposed final regulations for the Indian Education Act program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat., 2231; 95 Stat. 453); to the Committee on Education and Labor.

3447. A letter from the Secretary of Education, transmitting proposed final regulations for the law-related education program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3448. A letter from the Secretary of Education, transmitting the National Center for Education Statistics' report entitled, "The

Condition of Education," 1984 edition, pursuant to GEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

3349. A letter from the Secretary of Energy, transmitting the quarterly report on the strategic petroleum reserve, pursuant to EPCA, section 165(b) (95 Stat. 620); to the Committee on Energy and Commerce.

3450. A letter from the Secretary of Education, transmitting the semiannual report of the Inspector General for the period ending March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3451. A letter from the Inspector General, Department of Health and Human Services, transmitting the semiannual report on the activities of his office from October 1, 1983 through March 31, 1984, pursuant to Public Law 94-505, section 204(a) (96 Stat. 1824); to the Committee on Government Operations.

3452. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report of the Inspector General for the period ending March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3453. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General for the period ending March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3454. A letter from the Secretary of Defense, transmitting the semiannual report of the Inspector General, October 1, 1983 to March 31, 1983, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750); to the Committee on Government Operations.

3455. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on aliens whose deportation has been suspended, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

3456. A letter from the Chairman, Federal Trade Commission, transmitting the seventh annual report on the operation of the premerger notification provisions of the Clayton Act, pursuant to the act of October 15, 1914, chapter 323, section 7A(j) (90 Stat. 1394); to the Committee on the Judiciary.

3457. A letter from the Secretary of the Treasury, transmitting a report on the net receipts from the windfall profit tax and their disposition for fiscal year 1983, pursuant to Public Law 96-223, section 102(e); to the Committee on Ways and Means.

3458. A letter from the Secretary of the Navy, transmitting a report on the potential effect on naval operations of proposed leases by the Interior Department of offshore lands for oil or gas drilling, pursuant to Publilc Law 98-94, section 1260(a); jointly, to the Committees on Armed Services and Interior and Insular Affairs.

3459. A letter from the Secretary of Transportation, transmitting a report on the recommendations she has received from the National Transportation Safety Board and her responses thereto, pursuant to Public Law 93-633, section 307(b) (95 Stat. 1066); jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL. Committee on Energy and Commerce. H.R. 5602. A bill to amend titles VII and VIII of the Public Health Service Act to extend the programs of assistance for the training of health professions personnel, to revise and extend the National Health Service Corps program under that Act, and to revise and extend the programs of assistance under that Act for health maintenance organizations and migrant and community health centers, with amendments (Rep. No. 98-817). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL. Committee on Energy and Commerce. H.R. 5496. A bill to amend the Public Health Service Act to rename the National Center for Health Services Research as the National Center for Health Services Research and Medical Technology Assessment, and for other purposes; with amendments (Rep. No. 98-818). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 5772. A bill to rescind funds appropriated to the energy security reserve by the 1980 Department of Interior and Related Agencies Appropriations Act, and for other purposes; jointly, to the Committees on Appropriations; Banking, Finance and Urban Affairs; and Energy and Commerce.

By Mr. FISH (for himself and Mr. GEKAS):

H.R. 5773. A bill to reform Federal criminal sentencing procedures, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2996: Mr. HANSEN of Idaho, Mrs. BOXER, Mr. CLAY, Mr. DEWINE, Mr. DAVIS, Mr. MOLINARI, and Mr. MCKINNEY.

H.R. 4110: Mr. LUKEN.

H.R. 4559: Mr. UDALL, Mr. DORGAN, Mr. MCNULTY, Mr. DELUGO, Mr. STOKES, Mr. BEVILL, Mr. VENTO, and Mr. LELAND.

H.R. 4639: Mr. MORRISON of Connecticut, Mr. BORSKI, Mr. COYNE, Mr. DONNELLY, Mr. MINETA, Mr. O'BRIEN, Mr. SILJANDER, Mr. ADDABBO, Mr. MOAKLEY, Mr. FOGLIETTA, Mr. SIMON, Ms. OAKAR, Mr. FISH, Mr. DAVIS, Mr. SOLARZ, and Ms. FERRARO.

H.R. 4805: Mr. CROCKETT, Mr. MOAKLEY, Mr. KLECZKA, Mr. DELLUMS, Mr. EDGAR, Mr. EDWARDS of California, Mr. MILLER of California, Mr. KILDEE, Mr. PEASE, and Mr. STUDDS.

H.R. 5081: Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. AUCOIN, Mrs. BOGGS, Mr. BREAUX, Mr. CHAPPELL, Mr. DANIEL B. CRANE, Mr. DOWDY of Mississippi, Mr. FAZIO, Mr. FLORIO, Mr. GARCIA, Mr. HEFNER, Mr. HOPKINS, Mr. HOYER, Mr. HUBBARD, Mr. JONES of North Carolina, Mr. LEVIN of Michigan, Mr. MARKEY, Mr. MOAKLEY, Mr. MYERS, Mr. PATMAN, Mr. RATCHFORD, Mr. ROSE, Mr. ROYBAL, Mr. SKELTON, Mr. TORRICELLI, Mr. UDALL, Mr. WALKER, Mr. WHITLEY, Mr. WOLPE and Mr. YOUNG OF ALASKA.

H.R. 5438: Mr. SPRATT, Mr. HANCE, Mr. MOLLOHAN, Mrs. KENNELLY, Mr. ARCHER, Mr. RAHALL, Mr. RATCHFORD, and Mr. DERRICK.

H.R. 5529: Mr. SKELTON, Mr. ROSE, Mr. EMERSON, and Mr. SLATTERY.

H.R. 5603: Mr. OWENS.

H.R. 5724: Mr. OXLEY.

H.J. Res. 209: Mr. FLIPPO, Mr. HAMILTON, and Mr. STUMP.

H.J. Res. 528: Mr. PAUL, Mr. RATCHFORD, Mr. ROEMER, Mrs. BOXER, Mr. MARTINEZ, and Mr. SCHUMER.

H.J. Res. 544: Mr. TAUKE, Mr. STOKES, Mr. KOSTMAYER, Mr. STARK, Mr. FROST, Mr. GUNDERSON, Mr. WIRTH, Mr. WYDEN, Mr. WAXMAN, Mr. FOGLIETTA, Mr. HUNTER, Mr. DELLUMS, Mr. DIXON, Mr. KASICH, Mr. VANDER JAGT, Mr. BIAGGI, Mr. NEAL, Mr. PANETTA, Mrs. BOGGS, Mr. DE LA GARZA, Mr. ROBINSON, Mr. LEVINE of California, Mr. SCHULZE, Mr. WHEAT, Mr. PERKINS, Mr. KASTENMEIER, Mr. MCGRATH, Mr. TALLON, Mr. MORRISON of Washington, Mr. MACK, Mr. CARNEY, Mr. LEACH of Iowa, Mr. ROGERS, Mr. HILLIS, Mr. PURSELL, Mr. SILJANDER, and Mr. SUNDQUIST.

H.J. Res. 563: Mr. KRAMER and Mr. LUNGREN.

PETITIONS, ETC.

Under clause 1 of rule XXII:

380. The SPEAKER presented a petition of the City Council of Cambridge, Mass., relative to the Americans who are still listed as missing in Southeast Asia; which was referred to the Committee on Foreign Affairs.

SENATE—*Monday, June 4, 1984*

(Legislative day of Thursday, May 31, 1984)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable SLADE GORTON, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

The kings of the earth set themselves, and the rulers take counsel together, against the Lord, and against his anointed, saying, "Let us break their bands asunder, and cast away their cords from us."—Psalm 2: 2,3 (KJV).

Lord God of history, the psalmist asks a penetrating question. Why do people, nations, and rulers resist Thee and Thy law? Since the Tower of Babel mankind has been organizing God out of his life individually and institutionally. Even the church organizes God out of its life.

Dear God, let that not be true of the leadership of our Nation. As our Founding Fathers looked to Thee for protection and guidance, so may we today. As they depended upon Thee to set our Nation on a course honoring to God and dedicated to the common good, so may we. Grant, O God, that these sacred precincts may be a place of divine approval and blessing to all peoples. In the name of the Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SLADE GORTON, a Senator from the State of Washington, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GORTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, Members should be on notice that a rollcall vote is anticipated today. I expect this week will be a very full week. The Senate will be in session on Friday, and I anticipate votes on Friday as well. I hope Senators will make their plans accordingly.

Mr. President, after the time for the two leaders under the standing order, and the special order in favor of Senator PROXMIRE, there will be a time for the transaction of routine morning business for 30 minutes, after which the Senate will resume the consideration of the unfinished business, which is the bankruptcy bill, H.R. 5174, at which time the Packwood amendment, No. 3112, will be the pending question. I hope that useful debate on that matter can be and will be conducted today. However, it is possible that the leadership on this side will ask the Senate to go into executive session for the purpose of continuing the consideration of the Wilkinson nomination.

I do not expect today to be a late day. However, Senators should also take notice of the fact that it is likely, I think virtually certain, that the Senate will be asked to turn to the consideration of the defense authorization bill during this week, and given our previous precedent in considering the defense authorization bills, it is possible that we will have late sessions this week on that matter. In any event, I expect that we will have votes on that bill this week, and I am afraid next week as well.

Mr. President, I have consulted with the chairman of the Appropriations Committee who indicates to me that perhaps three appropriations bills will be available to us from the House of Representatives, and at least one of them, perhaps two of them, are likely to be reported to the Senate and reach our calendar this week. I will consult with the minority leader on the scheduling of those matters, but it would be a great pleasure to the leadership on this side if we could get at least one of the regular appropriations bills out of the way this week.

It may be necessary to consider waiving all or part of the 3-day rule and the 1-day rule, as the case may be, to reach these matters. But, as I say, I will consult with the minority leader on that point later in the day.

The calendar shows that the energy-water bill was received by the Senate on May 24. The chairman of the committee indicates to me that he hopes that the energy-water bill will be reported by his committee by tomorrow or Wednesday.

So, Mr. President, the schedule this week will include a resumption of debate on the bankruptcy bill. In all candor, I must say that I do not anticipate that we will finish the bankruptcy bill today, or perhaps this week. We will resume debate on the matter as soon as morning business is closed.

There will be the resumption of debate in executive session of the Wilkinson nomination to the circuit court of appeals.

The defense authorization bill, which has been reported, will qualify, I believe, during the afternoon or tomorrow under the 3-day rule, and the leadership on this side will take steps, after conferring with the minority leader, to qualify it under the 1-day rule as well, and the possibility of taking up at least one of the appropriations bills, most likely the energy-water bill.

That is a busy week, Mr. President, but this is a relatively short period of time between now, the 4th of June, and the 29th of June when the Senate is scheduled to adjourn for the July 4 recess.

Once again, Mr. President, I do expect rollcall votes today. I do not expect today will be a late day. I anticipate that we will have votes throughout this week. The Senate will be in session on Friday with votes anticipated.

I do not anticipate a Saturday session this week. I do expect that we may have late sessions any night this week after the Senate turns to the defense authorization bill.

I believe that about summarizes the schedule as I see it at this moment.

Mr. President, I am happy to be back and to report that I am refreshed from the week's break. I yield now so that the minority leader may claim his time under the standing order.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I listened with interest to the outlining of the program by the distinguished majority leader. I should like to ask the majority leader again with reference to the math-science legislation when he anticipates that the Senate may be taking that measure up.

Mr. BAKER. Mr. President, I thank the minority leader for his inquiry. Until I have an opportunity to meet with the chairman of this side tomorrow and in the Republican Caucus, I am afraid I cannot give a definitive answer to that. It is still the intention of the leadership on this side, however, to return to that bill at some point. I cannot respond more thoroughly than that at this moment.

Mr. BYRD. I thank the majority leader.

I also ask the distinguished majority leader what actions we might anticipate with reference to the matters being held at the desk for further action. That appears on page 52 of the General Calendar.

Mr. BAKER. Mr. President, the Senator is asking a most appropriate question. In all candor, I had not realized that the matter on the calendar had reached such proportions. There are, just guessing, I would say 20 items on that page. I shall ask the staff on this side to review those matters and, if the minority leader will permit, to confer with their counterparts on the other side of the aisle to see if we cannot figure out what we are going to do with those matters.

I hope that the routine is not growing up of putting these matters on that calendar by unanimous consent excessively. This is a convenience for the Senate. It short circuits the regular proceedings under the rules of the Senate and often serves a useful purpose. But judging from the size of this thing today, it has also become a great reservoir of potential trouble. So I shall ask my staff to consult with the staff on the other side if the minority leader will permit that, and I shall try to have something further tomorrow to discuss with him.

Mr. BYRD. Mr. President, I thank the majority leader. I shall ask the staff on this side to work with and cooperate with members of the staff on the other side of the aisle.

May I ask my distinguished friend from Wisconsin (Mr. PROXMIRE) if he needs any additional time?

Mr. PROXMIRE. I thank my distinguished minority leader, but I have no need for additional time.

Mr. BAKER. Mr. President, will the Senator yield me 30 seconds?

Mr. BYRD. I yield whatever time I have left to the majority leader.

Mr. BAKER. Mr. President, it is the intention of the leadership on this side to institute a quorum which will go live. I estimate now that will be about 2:30 to 3:30 this afternoon. Senators should take note of that possibility.

Mr. President, I yield back my remaining time.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

OPTIONS IN THE AGE OF NUCLEAR ARMS

Mr. PROXMIRE. Mr. President, one of the most important issues, I think probably the most important issue, facing this country and facing this body is the policies we should follow to prevent a nuclear war. We have a number of options that we can choose from. Unfortunately, many of us tend to focus on a single policy or position and support it without as much concern as we should give or the recognition and consideration we should give to the options that may be available. As conditions change, I think it is more and more important that we should consider other options.

For 30 years, the United States has pursued a nuclear arms policy squarely based on deterrence. That is our ability to retaliate against any nuclear attack with a devastating second strike that would utterly destroy any attacking country, including the Soviet Union. Our policymakers have occasionally negotiated partial and modest arms control treaties to limit the consequences of nuclear arms on the margin. But we have relied almost entirely on an ever more awesome nuclear capability to prevent a nuclear attack. We have vigorously pursued the arms race. We still do.

What other nuclear arms policy options do we have? Here are some ranging from those that would emphasize the military strength and preparedness and military arms buildup, nuclear arms buildup, to those that would rely more on negotiations.

First, abandon any pretense of pursuing arms control. We would do so because we assume the likelihood of Soviet violation of any arms control treaty and the impossibility of reliable verification.

Second, we could push aggressively into the deployment of nuclear weapons that will prevent a successful nuclear attack on the United States such as antiballistic missiles, lasers, and other new technologies that can seek out and destroy nuclear missiles aimed at America. This policy—so called star wars—could be extraordinarily costly and also destabilizing because, with both sides pursuing it, it could break down deterrence. An alternative policy would be to strengthen and extend the ABM Treaty and stop precisely this kind of destabilizing activity.

Third, we could begin a build-down policy in nuclear arms and negotiate a build-down agreement with other countries that would require the destruction of two or more old nuclear warheads of the same megatonnage for every one new nuclear warhead substituted. This policy has great surface appeal, but it would simply shift the arms race into more lethal, more accurate, and more deadly weapons.

Fourth, we could follow policy three, above, but modify it to permit the substitution of mobile, single-warhead missiles for stationary multiwarhead missiles. This policy would tend to encourage more stable, less vulnerable missiles. Neither superpower would have to follow an attack warning with an instant response to avoid risk of losing retaliatory power. But it would lead to the constant improvement and modernization of increasingly more lethal weapons.

Fifth, we could single out those elements of the arms race most subject to verification; that is, underground testing or deployment of large land-based missiles. We could propose negotiations with the U.S.S.R. in these limited areas. And we could continue improving our nuclear capability in other areas.

Sixth, we could gradually slow the build up of nuclear arms in tandem with a build up of conventional arms—including increasing the manpower size of the Armed Forces, sharply increasing by a factor of 3 or 4 the number of tanks, fighter planes, and naval ships. This policy would permit the renunciation of the first use of nuclear weapons doctrine. It would make the defense of Europe so feasible by conventional arms that we could win far more support for a comprehensive nuclear freeze, followed by a mutual reduction of nuclear arms. This policy would also increase military spending sharply.

Seventh, we could shift our reliance principally to arms control by working to negotiate an end to the testing, production, or deployment of nuclear arms; that is, the freeze. We would do so because we assume that a nuclear arms race would lead both to a greater risk of accidental war and exploding nuclear proliferation.

Eighth, we could stop any further testing, manufacture, or deployment

of nuclear weapons unilaterally. This policy assumes we have ample nuclear capability now, that our nuclear forces are generally not vulnerable, and that we can retaliate now and for the foreseeable future, regardless of technological changes, with devastating force to any foreign attack. It assumes, therefore, that any further nuclear arms build up would be redundant and waste tens of billions of dollars a year—accomplishing nothing in the process.

Ninth, we could follow the policy No. 8. I just mentioned, that is, a unilateral freeze but only for a specified and limited period—like 6 months or 90 days; meanwhile, serving notice on the U.S.S.R. that we will not test, or manufacture, or deploy nuclear weapons if the Soviet will not.

Tenth, we could unilaterally disarm nuclear and conventional weapons; reduce the size of the Armed Forces and the nuclear and conventional arms to a level that would enable the United States to defend our country against invasion and to retaliate against a Soviet attack with an adequate deterrent, that is, with sufficient assured force to destroy every major Soviet city. This policy would have two consequences: First, it would prevent a nuclear attack by the U.S.S.R. on the United States. Second, it would cut the United States off from its NATO allies and make Western Europe vulnerable to Soviet blackmail or Soviet conventional military attack, or a Soviet all-out nuclear attack on Western Europe followed by an almost certainly successful Soviet conventional mopup.

What I have listed represents some of the nuclear options open to this country. It appears likely, however, that we will continue to pursue the deterrence, first, last, and always option that has been our national policy for more than 30 years with minor variations. With President Reagan, arms control only occupies a secondary role. With the election of a Democratic President, our reliance would still center on deterrence but arms control might begin to occupy a more significant role.

THE IMPORTANCE OF LEARNING ABOUT THE HOLOCAUST

Mr. PROXMIRE. Mr. President, recently, more and more educational institutions, from primary school through the university level, civil organizations, and concerned citizens are holding conferences and workshops on the Holocaust. Many of the workshops are aimed at educating teachers and other civic leaders to inform others about the tragic events and valuable lessons of the Holocaust.

I salute these programs to keep the memory of the Holocaust alive. The youth of the United States are a generation physically untouched by World War II and the horrors of the German genocide of the Jews. It is crucial that the memory of the Holocaust never fades. All attempts should be made to insure that history does not repeat itself. We must teach our children and our children's children that what happend once must not happen again.

The efforts of the teachers, civic leaders, and citizens to inform our children of the concentration camps, the Nazi-controlled ghettos, and the attempted elimination of the world's Jewish population are efforts that deserve support and applause. Every step taken that reduces the chance of another Holocaust occurring is a step well worth taking.

However, Mr. President, a giant step this Senate should and must take for the safety of mankind is the ratification of the Genocide Convention. The Genocide Convention confirms that genocide is an international crime which must be prevented and punished. The treaty evolved from the anger and outrage felt worldwide following World War II. That anger and outrage is still present today. Ratification of the Genocide Convention will concretely indicate the United States full support of the international community's attempts to condemn genocide. Thus, we can help insure that the world will never again have to teach its children the events of another Holocaust.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 5 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MARY WOODWARD LASKER CENTER FOR HEALTH RESEARCH AND EDUCATION

Mr. HATCH. Mr. President, on May 9, 1984, the Senate passed H.R. 5576, a bill referred from the House which would designate certain lands and improvements at the National Institutes of Health as the "Mary Woodward Lasker Center for Health Research and Education." This happened quickly because the majority and minority leaders chose to expedite the matter and not subject this bill to the customary clearing process. I want to take this opportunity to make clear my support for the action taken by Senators BAKER and BYRD, while bringing to the attention of my colleagues the significance of this bill which was described as not a "substantive legislative matter but, rather * * * naming a facility."

This does not do justice to the decades of voluntary work and dedication demonstrated by one Mary Woodward Lasker in behalf of improving our national investment in biomedical research. Perhaps no other individual citizen has devoted so much of her time, energy, and resources to encouraging Federal, State, and city governments to devote funds for medical research. Mrs. Lasker richly deserves the recognition which H.R. 5576 is intended to bestow upon her; that is, the naming of the recently acquired buildings and land on the NIH campus which was formerly part of the Sisters of the Visitation Catholic Convent, in her honor.

As chairman of the Labor and Human Resources Committee, I have learned a great deal about our Federal health programs. The National Institutes of Health stand out as a remarkably successful endeavor, and the 11 separate research institutes, along with the National Library of Medicine and the Fogerty International Center constitute the most successful and productive medical research enterprise in the world. During a visit to the Bethesda campus of the National Institutes of Health in May 1983, I became aware that the convent land had recently been put up for sale by the Catholic church. Recognizing that this was the last opportunity to obtain land contiguous with the NIH campus, I brought this matter immediately to the attention of my colleagues on the Labor-HHS Appropriations Subcommittee, encouraging them to provide the necessary funds to acquire this property. I am pleased to report that with subsequent efforts in both Houses of Congress, funds were provided to obtain this land, with the understanding that there would not be a need for expensive renovations and costly new construction in order to greatly benefit from this acquisition.

Mr. President, I am pleased and proud to have contributed in some way to the National Institutes of Health acquiring the beautiful stone convent and the surrounding 11 acres of land. This will add immeasurably to the beauty and function of the NIH Bethesda campus, and I can think of no more appropriate recognition than designating this valuable property the "Mary Woodward Lasker Center for Health Research and Education." Through this dedication, it is my hope

that our research scientists, administrators, and the continuous stream of student-scientists who train at the NIH campus will be continually inspired by the accomplishments of this remarkable humanitarian-philanthropist, Mary W. Lasker.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 25, May 30, and May 31, 1984, during the adjournment of the Senate, received messages from the President of the United States transmitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received on May 25, May 30, and May 31, 1984, are printed at the end of the Senate proceedings.)

ENERGY SECURITY RESERVE AMENDMENTS OF 1984—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 145

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 25, 1984, during the adjournment of the Senate received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Appropriations:

To the Congress of the United States:

Today I am pleased to transmit to the Congress the "Energy Security Reserve Amendments of 1984," legislation to implement the new synthetic fuels policy that I announced on May 14, 1984.

This legislation reaffirms the Nation's commitment to a long-range program of developing a private-sector synthetic fuels industry while recognizing that improvements in the energy outlook can permit us to achieve a major reduction in Federal spending through prudent realignments in the program.

When the Congress established the Synthetic Fuels Corporation in 1980, making available a total of $19 billion for related activities, oil prices were projected to reach $75 to $125 per barrel by 1990; America was dependent on imported oil for 18 percent of its energy supply; and the memories of gas lines lingered.

Synthetic fuels held promise as an economically competitive alternative to traditional fuel sources. Proponents of the current law argued that the Federal program would have little or no impact on the deficit and established an extremely rapid and ambitious schedule for developing a commercial synthetic fuels industry.

In the intervening years, the energy outlook has improved dramatically. The price of imported crude oil has declined more than 25 percent since I took office, and our oil imports are down 33 percent compared to 1980 levels. The Strategic Petroleum Reserve, at nearly 400 million barrels, provides more than 80 days protection against a total disruption of our imports and over 200 days if OPEC halted supplies—in 1980, it provided less than 17 days protection. The energy conservation efforts of the American people have far exceeded expectations, further enhancing our energy situation.

As a consequence of these major changes, the presumptions that underlie the current synthetic fuels program have proven at variance with the realities of the market place. It is now apparent that developing a commercial synthetic fuels industry at the pace envisioned by the Energy Security Act of 1980 would require enormous direct budget outlays that would not be offset by any economic benefits.

Proceeding down the path set by current law would thus result in the inefficient use of billions of dollars. It would also grossly distort the market place for synthetic fuels, possibly creating an industry that would be permanently dependent on government subsidies, not the commercially viable industry envisioned by Congress in 1980.

The "Energy Security Reserve Amendments of 1984" reflect an effort to strike a balance between avoiding wasteful expenditures and preserving an appropriate national synthetic fuels program. The legislation would rescind $9 billion of the $19 billion originally appropriated. It would also require that projects supported by use of the remaining funds be limited to those that produce fuels whose prices will not be significantly above projected market prices of competing fuels.

At the same time, the legislation leaves completely intact the administrative structure for the synthetic fuels program. By continuing to use the Synthetic Fuels Corporation, we can avoid unnecessary delay and disruption in the national effort of ensuring synthetic fuels commercialization.

Swift passage of this legislation will make a major contribution to reducing the Federal deficit in the years ahead while putting the synthetic fuels program on a sounder footing.

I urge the Congress to act expeditiously in its consideration of this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *May 25, 1984.*

ANNUAL REPORT ON THE OPERATION OF THE ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 146

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the 1983 Annual Report on the operation of the Alaska Railroad, as required by the Alaska Railroad Enabling Act of March 12, 1914, as amended (43 U.S.C. 975g). This report covers the period from October 1, 1982, through September 30, 1983.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 147

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

REPORT ON THE STATUS OF THE DOMESTIC URANIUM MINING AND MILLING INDUSTRY—REPORT RECEIVED FROM THE PRESIDENT DURING THE ADJOURNMENT—PM 148

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to the requirements set forth in Section 23(a) of P.L. 97-415, the Nuclear Regulatory Commission Authorization Act of 1983, the "Comprehensive Review on the Status of the Domestic Uranium Mining and Milling Industry" is provided to the Congress.

The report presents information on the current and projected status of the domestic uranium mining and milling industry including uranium requirements and inventories, domestic production, import penetration, domestic and foreign ore reserves, exploration expenditures, employment, and capital investment. In addition to presenting projections of industry behavior under current policy, the report provides projections under alternative policy scenarios in the event that foreign import restrictions were enacted by Congress. The anticipated effect of spent nuclear fuel reprocessing on the demand for uranium is also addressed.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

EXTENSION OF CERTAIN WAIVERS UNDER THE TRADE ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 149

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the documents referred to in subsection 402(d)(5) of the Trade Act of 1974 with respect to a further 12-month extension of the authority to waive subsection (a) and (b) of section 402 of the Act. These documents constitute my decision to continue in effect this waiver authority for a further 12-month period.

I include as part of these documents my determination that further extension of the waiver authority will substantially promote the objectives of section 402. I also include my determination that continuation of the waivers applicable to the Hungarian People's Republic, the People's Republic of China and the Socialist Republic of Romania will substantially promote the objectives of section 402. The attached documents also include my reasons for extension of the waiver authority; and for my determination that continuation of the waivers currently in effect for the Hungarian People's Republic, the People's Republic of China and the Socialist Republic of Romania will substantially promote the objectives of section 402.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 150

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to send you the annual report of the National Science Foundation for fiscal year 1983. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and information sciences; in engineering; and in education for those fields.

The National Science Foundation is a key part of the national effort to revitalize our capabilities in research, innovation, and production. Achievements such as those described here underlie much of this Nation's strength—its economic growth, military security, and the general well-being of our people.

I hope you will share my enthusiasm for this fine work.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 25, 1984, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 2174. An act to extend the transition period under the Bankruptcy Reform Act of 1978; and

H.R. 5692. An act to provide for a temporary increase in the public debt limit, and for other purposes.

Under the authority of the order of the Senate of May 24, 1984, the enrolled bills were signed by the President pro tempore (Mr. THURMOND) on May 25, 1984, during the adjournment of the Senate.

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 4249. An act to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings, to establish a United States Marshals Service, and for other purposes; and

H.R. 4280. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 518. An act to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control;

S. 2413. An act to recognize the organization known as the American Gold Star Mothers, Incorporated;

H.R. 3547. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans;

H.R. 5287. An act to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multi-year grants;

H.R. 5308. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.J. Res. 487. Joint resolution to designate June 6, 1984, as "D-day National Remembrance".

Under the authority of the order of the Senate of May 24, 1984, the enrolled bills and joint resolutions were signed by the President pro tempore (Mr. THURMOND) on May 31, 1984, during the adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4249. An act to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings, to establish a United States Marshals Service, and for other purposes; to the Committee on the Judiciary.

H.R. 4280. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes; to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary reported that on May 31, 1984, he had presented to the President of the United States the following enrolled bills:

S. 518. An act to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control; and

S. 2413. An act to recognize the organization known as the American Gold Star Mothers, Incorporated.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3287. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "DOD Needs to Provide More Credible Weapon Systems Cost Estimates to the Congress"; to the Committee on Armed Services.

EC-3288. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report for the first quarter of 1984 on the Olympic Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3289. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law, a report on transactions with communist countries during April 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-3290. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1983 annual report of the National Park Foundation; to the Committee on Energy and Natural Resources.

EC-3291. A communication from the D.C. Auditor transmitting, pursuant to law, a report on rent collection procedures in public housing; to the Committee on Governmental Affairs.

EC-3292. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the Surgeon General's Report on the Health Consequences of Smoking; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 11, 1984, the following reports of committees were submitted on May 25, 1984.

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

S. 2393. A bill to amend title 39, United States Code, to codify in permanent law the authority under annual appropriation acts for Postal Service security personnel to exercise the powers of special policemen on postal property, to provide penalties for the violation of regulations governing postal property, and for other purposes (Rept. No. 98-488).

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2514. A bill to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associate Director for Posttraumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes (Rept. No. 98-487).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2722. An original bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to reauthorize certain child nutrition programs for fiscal years 1985 and 1986 (Rept. No. 98-489).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2308: A bill to revise and extend provisions of the Public Health Service Act relating to the provision of primary health care services (Rept. No. 98-490).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments:

S. 2559: A bill to revise and extend provisions of the Public Health Service Act relating to health professions educational assistance (Rept. No. 98-491).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments and an amendment to the title:

S. 2574: A bill entitled the "Nurse Education Amendments of 1984" (Rept. No. 98-492).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments:

S. 2573: A bill to revise and extend programs for persons with developmental disabilities (Rept. No. 98-493).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1531: A bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes (Rept. No. 98-494).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2521: A bill to authorize appropriations for the National Science Foundation for fiscal year 1985 (Rept. No. 98-495).

By Mr. DENTON, from the Committee on Labor and Human Resources, with amendments:

S. 2616. A bill to extend the adolescent family life demonstration program (Rept. No. 98-496).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2423. A bill to provide financial assistance to the State for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime (Rept. No. 98-497).

S. 2606. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1985 and for other purposes (Rept. No. 98-498).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 2014. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children (Rept. No. 98-499).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1935. A bill to establish an interagency task force on cigarette safety.

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. 2689. A bill to amend title 31, United States Code, to provide for certain additional experts and consultants for the General Accounting Office, to provide for certain positions within the General Accounting Office senior executive service, and for other purposes.

Under the authority of the order of the Senate of May 24, 1984, the following reports of committees were submitted on May 31, 1984:

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. 2723. An original bill to authorize appropriations for military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense and to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes (with additional views) (Rept. No. 98-500).

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. Res. 394. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2723; referred to the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAKER (for Mr. THURMOND), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S.J. Res. 233: Joint resolution to authorize the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information (Rept. No. 98-501).

By My. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S. Res. 373: Resolution to seek the discontinuance of certain practices restricting the free flow of travel literature from the United States.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 387: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974, with respect to the consideration of S. 1868.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Robert Michael Isaac, of Colorado, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1987.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

ADDITIONAL COSPONSORS

S. 553

At the request of Mr. HART, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 555

At the request of Mr. MOYNIHAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 555, a bill to stop the proliferation of "cop-killer" bullets.

S. 1069

At the request of Mr. CHAFEE, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1069, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

S. 1578

At the request of Mr THURMOND, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Wyoming (Mr. WALLOP), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 1578, a bill to clarify the application of the Federal antitrust laws to local governments.

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Virginia (Mr. WARNER), the Senator from Nevada (Mr. HECHT), the Senator from New York (Mr. D'AMATO), and the Senator from West Virginia (Mr. RANDOLPH), were added as cosponsors of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2078

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 2078, a bill to amend the Public Health Service Act to provide assistance to States to plan, develop, establish, expand, or improve State and local resource and referral systems for the dissemination of information concerning dependent care services.

S. 2096

At the request of Mr. PACKWOOD, the names of the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2096, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to permit investment by employee benefit plans in residential mortgages.

S. 2143

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 2143, a bill to amend the Internal Revenue Code of 1954 to allow a credit for the occupational training of displaced persons.

S. 2145

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 2145, a bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes.

S. 2266

At the request of Mr. CRANSTON, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2324

At the request of Mr. PACKWOOD, the names of the Senator from California (Mr. WILSON), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2324, a bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2423

At the request of Mr. THURMOND, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2603

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2603, a bill to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965.

S. 2618

At the request of Mr. DANFORTH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2618, a bill to amend the Trade Act of 1974 to promote expansion of international trade in telecommunications products, and for other purposes.

S. 2692

At the request of Mr. ARMSTRONG, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2692, a bill to exempt water conveyance systems from fees and conditions under the Federal Land Policy and Management Act of 1976, and for other purposes.

SENATE JOINT RESOLUTION 206

At the request of Mr. TSONGAS, the names of the Senator from Vermont (Mr. STAFFORD), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating the first Sunday of every August as "National Day of Peace."

SENATE JOINT RESOLUTION 270

At the request of Mr. COCHRAN, the names of the Senator from Tennessee (Mr. BAKER), the Senator from Missouri (Mr. DANFORTH), and the Senator from Utah (Mr. GARN) were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE JOINT RESOLUTION 287

At the request of Mr. D'AMATO, the names of the Senator from Iowa (Mr. JEPSEN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Ohio (Mr. METZENBAUM), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Joint Resolution 287, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE JOINT RESOLUTION 294

At the request of Mr. BOREN, the names of the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint

Resolution 294, a joint resolution to designate the week of July 1, 1984, through July 7, 1984, as "National Softball Week."

SENATE JOINT RESOLUTION 296

At the request of Mr. D'AMATO, the names of the Senator from Idaho (Mr. SYMMS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Maine (Mr. COHEN), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of Senate Joint Resolution 296, a joint resolution to designate June 14, 1984, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 297

At the request of Mr. THURMOND, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. LAXALT), the Senator from Mississippi (Mr. STENNIS), the Senator from Iowa (Mr. JEPSEN), the Senator from Maryland (Mr. SARBANES), the Senator from South Dakota (Mr. ABDNOR), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of Senate Joint Resolution 297, a joint resolution to designate the month of June 1984 as "Veterans' Preference Month."

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. TSONGAS, the names of the Senator from Idaho (Mr. MCCLURE), the Senator from Vermont (Mr. LEAHY), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of Senate Concurrent Resolution 74, a concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination.

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. D'AMATO, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of Senate Concurrent Resolution 101, a concurrent resolution to commemorate the Ukrainian famine of 1933.

AMENDMENT NO. 3112

At the request of Mr. PACKWOOD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of amendment No. 3112 proposed to H.R. 5174, a bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

SENATE RESOLUTION 394—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. TOWER, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 394

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2723, a bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strenghts for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which directly, or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 2723 as reported by the Committee on Armed Services.

NOTICES OF HEARINGS

OVERSIGHT OF GOVERNMENT MANAGEMENT SUBCOMMITTEE

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold a hearing on Computer Matching: Taxpayer Records, on Wednesday, June 6, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public oversight hearing before the Subcommittee on Public Lands and Reserved Water to consider Federal land management problems in northern Nevada on "checkerboard" lands. The hearing will be held on Tuesday, June 12, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Because of the number of people expected to testify, witnesses will be placed in panels and oral testimony will be limited to 5 minutes. Witnesses should provide the subcommittee with 25 copies of their written statements 24 hours in advance of the hearing, as required by the rules of the committee, and 75 copies the day of the hearing.

For further information regarding this hearing, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

CONGRESS—ACCESSORY TO VIETNAM

● Mr. GOLDWATER. Mr. President, over the past 20 years, thanks in large part to some revisionist history and inaccurate reporting, the American people have been led to believe unrestricted Presidents have involved our country in dangerous, immoral and illegal foreign wars. Most of this myth has arisen because of the disastrous end result of the war in Vietnam. In response, the Congress in 1973 passed the War Powers Resolution in an attempt to: One, involve themselves in the day-to-day operation of foreign policy and, two, distance themselves from the end result of a failure in foreign policy. Regardless of this act, the Vietnam war was endorsed by Congress for many years and, indeed, it played no part in our eventual withdrawal from South Vietnam.

Mr. President, my legislative counsel, Terry Emerson, recently presented a speech to the American Bar Association which documents the involvement and approval of Congress for more than 25 years in our efforts in Vietnam. Since the speech is very well documented, it needs no lengthy introduction and speaks for itself.

Mr. President, I ask that Mr. Emerson's speech be printed in the RECORD.

The remarks follow:

CONGRESS—ACCESSORY TO VIETNAM

(By J. Terry Emerson)

I. INTRODUCTION

As an introduction to the subject of Congress and Vietnam, I will state five theses drawn from my review of the history of the period:

1. Congress was an accessory to the Vietnam War. Congress knowingly authorized or ratified every important decision to expand U.S. involvement in the war from 1949 to 1970.

2. Congress did not legislate an end to the war. Congressional votes to restrict Executive conduct of the war from December 1969 through 1972 did not bring about the withdrawal of U.S. troops from Vietnam. That decision was made by President elect Nixon before his inauguration in January 1969.

3. Congress did not deny victory to U.S. military forces in Vietnam. Rules of engagement, imposed by civilian managers, did.*

4. Congressional failure to enforce the Vietnam Peace Agreement contributed greatly to the subsequent catastrophe throughout Indochina and to Soviet expansionism.

5. Congressional experience in the Vietnam War demonstrates that (a) the War Powers Resolution of 1973 would not have prevented the war even had it been in effect years earlier, and (b) Constitutional checks and balances designed in the Eighteenth Century still function decisively in the modern world. For better or worse, when sustained public and Congressional opinion turned against U.S. support of any non-Communist forces in Indochina, the nation withdrew its commitment to the war. The outcome was not immediate, but it was inevitable.

II. PRELUDE

The prelude to America's commitment to the Vietnam War begins on August 11, 1941, when President Franklin Roosevelt and Prime Minister Churchill agreed to the final text of the Atlantic Charter, four months before the official entry of the United States into World War II. The third principle in this historic statement declared that the two leaders of the free world "respect the right of all peoples to choose the form of government under which they will live," in other words, self-determination.[1] In the fall of 1942, President Roosevelt told a press conference that he believed the Atlantic Charter applied to all humanity.[2] His biographer, James MacGregor Burns, writes: "Again and again Roosevelt made clear that he opposed the return of Indochina to French rule after the war . . ." Roosevelt viewed the 80 year French record in Indochina as "colonialism of the worst sort"[3] and he sought to provoke allied leaders into granting the people of Indochina their independence from France.[4] In fact, Dean Acheson tells us that "during the war the United States Government had furnished aid to indigenous leaders, notably Ho Chi Minh, in the hope they would make difficulties for the Japanese." [5]

III. FIRST INDOCHINA WAR

By 1949, Ho was in revolt against the French and the French National Assembly had ratified the Elysee' Palace Agreements accepting Vietnam, Cambodia and Laos as independent states within the French Union.[6] The changed circumstances enabled the United States to view support of the three states of Indochina as part of our worldwide resistance to Communist subversion and consistent with our policy of supporting the evolution of dependent peoples toward self-government.[7] But it was Congress, not the President, which first set aside funds for the war against communism in Indochina. In October 1949, at the initiative of the Senate, Congress added a provision to the Mutual Defense Assistance Act earmarking $75 million to carry out American policy in "that general area" of the world, an area which Senator Connally, Chairman of the Foreign Relations Committee, expressly said included "Indochina." [8] Congress added another $75 million for Indochina in July 1950, following the North Korean attack on South Korea. On July 19, President Truman, who had belatedly adopted Indochina aid as his own idea, reported to Congress that he had ordered the speeding up of the military assistance to Indochina which Congress had appropriated a year earlier and he asked Congress to show its support for his Asian defense policy by authorizing the new funds which had already passed the Senate and were pending in the House.[9] The money bill was enacted a week later.[10]

On December 23, 1950, the United States signed a Mutual Defense Assistance Agreement with France, Vietnam, Cambodia, and Laos for deliveries of military equipment to the three states through the French Command.[11] This military aid rose to over half a billion dollars in 1951.[12] By June of 1952, the United States was contributing more than a third of the cost of the military struggle in Indochina.[13] The amount climbed to 40 percent by the end of the year.[14]

In 1953, a new President took office. In March of that year President Eisenhower declared Southeast Asia to be "of the most transcendent importance to the United States."[15] In May, however, Congress made a deep cut in the appropriation for that area.[16] A report by Senators Dirksen and Magnuson, who had visited Indochina for the Appropriations Committee, and testimony given by military witnesses were held secret during the Senate Floor debate, but were said to justify the reduction. Apparently, the French were not using the money solely for the military campaign.[17] Notwithstanding this setback, on September 30, 1953, the Eisenhower Administration pledged an additional $385 million in aid for Indochina on top of $400 million left in the earlier authorization.[18] By the time of the Geneva Agreements of July 20, 1954, the United States had delivered $2.6 billion in military aid to Indochina, plus another billion dollars of economic aid, and our share of the cost of the war had risen to almost 80 percent.[19]

IV. SEATO PHASE—SECOND INDOCHINA WAR

Ted Sorensen, in his memoir of the Kennedy Administration, states that: "This nation's pledge to assist and defend the integrity of South Vietnam was first made in 1954." [20] While not literally true in view of the billions of dollars that had been committed earlier, it is in 1954 that we can begin to see the depth of Congressional involvement in the Vietnam War. From here on we will see that Congress clearly knew from the start of each major policy decision what was going to happen or could happen and gave its approval in advance to the war escalation which followed. Far from being the innocent dupe of a devious Executive, Congress was a full partner in deciding basic policies during the entire period of American military engagement in Vietnam until 1970.

The United States did not sign the Geneva Agreements of 1954, which partitioned Vietnam and made Laos and Cambodia independent, nor did we join in the final declaration of the Geneva Conference, but Under Secretary of State Walter Bedell Smith made a unilateral declaration for the United States warning that we would view any renewal of aggression in violation of the agreements with grave concern and as a serious threat to peace.[21] We formalized this policy six weeks later by signing the SEATO Treaty on September 8, 1954.[22] The treaty had a protocol, signed on the same day, which designated Cambodia, Laos, and South Vietnam as being part of the area in which aggression by armed attack would be considered as endangering the safety of each party and in response to which each party pledged to act to meet the common danger in accordance with its constitutional processes.[23]

The principal American delegates at the Manila negotiations included Senators Smith of New Jersey and Mike Mansfield of Montana.[24] They and all other Senators knew of the real meaning of SEATO before it was ratified. Secretary of State John Foster Dulles testified before the Senate Foreign Relations Committee on November 11, 1954, and explained the treaty in detail. He spelled out the main purpose as being to deter communist aggression and subversion in Vietnam and the rest of Indochina and he pointed out the risk of war with great clarity. His testimony was available to the full Senate in published hearings before that body considered the treaty and the Committee report circulated before that treaty vote included quotations from his presentation.

What Secretary Dulles told the Senate about the treaty is this: "The language used here . . . makes perfectly clear the determination of our nation to react . . . armed attack . . . As far as our national determination is concerned, it is expressed here . . . It is a clear determination of our national resolve . . ." [25] Also, the specifically pointed out that the treaty area is defined by a protocol "which brings in Laos, Cambodia, and the free portion of Vietnam as treaty territory which, if attacked, would be under the protection of the treaty . . ." [26]

Secretary Dulles equated the obligation of the United States under the SEATO Treaty with the pledge of firm action that is implicit in the Monroe Doctrine. In fact, he recommended to the Senate Committee that it "adopt President Monroe's language when he announced in 1823 that any extension of the European system to this hemisphere would be considered by the United States as dangerous to our peace and safety." [27] This formula was accepted as not altering the balance of power between the President and Congress.

Senator Smith of New Jersey responded to Secretary Dulles by saying that the Monroe Doctrine approach "has been very effective," as well he might.[28] Every schoolchild knows that the United States has invoked the Monroe Doctrine on numerous occasions to combat foreign subversion inside the Western Hemisphere. Putting the warning given by SEATO on a par with the warning in the Monroe Doctrine was an open invitation to Presidential initiatives that Congress accepted with its eyes open.

Senator Smith repeated the comparison during Senate consideration of the treaty. He explained that the net effect of Article IV "is to serve notice now and for the future to . . . any Communists in that area—as the Monroe Doctrine did in the case of the European colonial powers in the early 19th century, that they shall not encroach further on this area of free nations. . . . They are no longer free to isolate and absorb the countries of Southeast Asia, one by one. Laos or Cambodia or South Vietnam or Thailand cease to be individual entries on their timetable of conquest. . . . From now on, any further aggression will set in motion the defense potentialities of eight nations." [29]

Senator George, then Chairman of the Foreign Relations Committee, warned that: "The peril to the southern area, the free territory of Vietnam, as well as to the remaining associated states, Laos and Cambodia, is serious, continuing and unrelenting."[30] In order to make clear to the Senate what was expected, he had explained: "To

*Footnotes at end of article.

the extent that we support the independent governments of Southeast Asia in maintaining their freedom, therefore, we also defend the highest interests of the United States. It is our purpose, Mr. President, to give advance notice to any Communist nation contemplating aggressive action in that area that they will have to reckon with the United States."[31]

Perhaps the strongest indication of Congressional awareness of the prospect for direct American military involvement in Asia is found in the concluding words of the Foreign Relations Committee report on the SEATO agreement. This statement was read into the Senate Floor proceedings by Senator Smith. It declares: "The committee is not impervious to the risks which this treaty entails. It fully appreciates that acceptance of these additional obligations commits the United States to a course of action over a vast expanse of the Pacific. Yet these risks are consistent with our own highest interests. There are greater hazards in not advising a potential enemy of what he can expect of us, and in failing to disabuse him of assumptions which might lead to a miscalculation of our intentions."[32]

Even the question of whether a declaration of war would be required before the United States would respond to an armed attack was explicitly considered. What did "Constitutional processes" mean? Secretary Dulles testified that "the normal process would be to act through Congress," but the President would act on his own authority when "the emergency were so great that prompt action was necessary to save a vital interest of the United States." [33] With this in mind, the Foreign Relations Committee rejected a reservation to SEATO which would have prohibited the use of our forces unless Congress, by a declaration of war, consented to their use.[34]

Although it did not declare war, Congress authorized and ratified United States involvement in Indochina in numerous statutes, well over 20, following Senate advice and consent to the resolution of ratification of the SEATO Treaty.[35] Direct military aid to South Vietnam began on January 1, 1955 with budgetary support and equipment for the Army and local defense units. A Military Assistance and Advisory Group was provided in February 1955 to assist in training the Army and police force.[36] In May 1960, the United States announced we would increase the advisers from 327 to 685 at the end of the year.[37] The Eisenhower Administration also spent $300 million trying to create a pro-Western Laos.[38]

The Kennedy Administration went further in 1961 and 1962, in commitment if not dollars. In March 1961, President Kennedy prepared a 17 part plan of increasing military action to prevent a Communist conquestion Laos. One unit of Marines, complete with helicopters, was landed in Thailand, the Seventh Fleet was altered, and Congressional leaders were briefed.[39] The crisis eased in the late spring and a new Geneva Conference began.[40] In May 1962, a major Pathet Lao attack near the Thai border caused President Kennedy to officially act under the SEATO Treaty. More than 5,000 Marines and Army combat personnel were put ashore in Thailand and ordered up to the Laos border. U.S. Naval forces and two air squadrons were sent to the area. By July a new Geneva Agreement on Laos was signed and American forces were recalled from Thailand.[41] No declaration of war was requested or obtained. SEATO was authority enough. The military assistance mission in Vietnam was increased from 700 in early 1961 to 2,000 at the end of the year and to 3,400 by mid-1962. By the time of President Kennedy's assassination in November 1963, more than 16,000 advisers were in Vietnam and the Kennedy Administration had sent in combat support units, air combat and helicopter teams, and 600 green berets.[42]

Before undertaking this expanded commitment, President Kennedy had sent Vice President Johnson in May of 1961 to confer with President Diem and develop recommendations for a joint effort "to win the struggle against communism." Before departing, the Vice President discussed his mission and its purpose in detail with Senators Mansfield and Fulbright and others in Congress.[43] Also, President Kennedy briefed Senator Fulbright before the Johnson trip, explaining the possibility that American involvement in Southeast Asia might require military forces. Senator Fulbright, as Chairman of the Foreign Relations Committee, told reporters that "the Kennedy Administration was considering the possibility of direct military intervention to counteract Communist threats in South Vietnam and Thailand." Senator Fulbright said he "would support the moves in South Korea and Thailand if they were considered necessary and if the nations concerned wished them."[44]

In mid-1963, there were some calls in Congress to cut off all aid to Vietnam after serious repressions of Buddhist dissenters occurred, but the Vietnamese military seized control of the government on November 1, 1963, and assassinated Diem a day later.[45] The new provisional government was itself overthrown by General Khanh.[46] Solid Congressional suppport of the war was restored with enactment of the Foreign Assistance Act of 1963 in December. This statute provided both economic and military aid to Vietnam.[47]

V. GULF OF TONKIN AND ESCALATION PHASE

This brings us forward to the Southeast Asia Resolution, often called the "Tonkin Gulf Resolution." President Johnson had begun a program of covert military operations against North Vietnam in early 1964. One set of these operations was small-scale strikes by the South Vietnamese Navy against North Vietnamese coastal installations. Another element of this covert program was U.S. destroyer patrols in the Gulf of Tonkin, with intelligence objectives similar to those of Soviet trawlers off our coast.[48] In the memoirs of his Presidency, Lyndon Johnson wrote that:

"Senators and Representatives designated to oversee our intelligence operations were fully briefed on these South Vietnamese activities, and on our supporting role, in January 1964, again in May, twice on June, and again in early August." [49]

On August 2, when our destroyers were 70 miles away from a South Vietnamese strike and 30 miles off the coast, the USS *Maddox* was attacked by three North Vietnamese PT boats. On August 4, the *Maddox* and the *Turner Joy* both reported that they were being attacked by torpedoes.[50] Action reports from the destroyers kept arriving and were investigated in detail. Informed by his specialists that there was "no doubt whatsoever" that an attack had taken place, President Johnson met with the Congressional leadership that same evening and told them he believed a resolution of support for our entire position in Southeast Asia was necessary. According to President Johnson, he told the legislative leaders that "we might be forced into further action, and that I did not want to go in unless Congress goes in with me." He cited the precedents of the Formosan and Middle East crises of 1957 and 1958 when President Eisenhower was backed with resolutions adopted earlier.[51]

Nine Senators and seven Congressmen attended the meeting, including the Majority and Minority Leaders of both Houses, the Speaker of the House, and several Committee Chairmen and ranking Minority members. Everyone expressed support of the proposed resolution. Senator Goldwater, then the Republican Presidential candidate, was also reached by phone that night and agreed completely with plans for retaliation and resolution.[52]

In his message to Congress, President Johnson asked not only that support be given to immediate reactons to the attacks on our destroyers, he sought the advance support of Congress for anything that might prove to be necessary to fulfill our responsibilities in all of Southeast Asia.[53] Nor was the text of the resolution conditioned on repelling or responding to attacks against our Armed Forces. The text was specifically linked with President Johnson's plea to Congress for a declaration of its resolve and support for action to "preserve peace in Southeast Asia Treaty." [54]

Let me read the actual language of the resolution so that we can see exactly what Congress intended when it agreed to the legislation by a vote of 88 to 2 in the Senate and 416 to 0 in the House. Section 2 states: "The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations, and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared *as the President determines*, to take all necessary steps, *including the use of armed forces* to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." [55] (Emphasis Added)

Before introducing the resolution in the Senate, four Senators, Fulbright, Hickenlooper, Russell and Saltonstall, had attended a long White House discussion on the subject.[56] These four answered questions raised during Senate consideration of the resolution on August 6 and 7. One exchange is particularly revealing. It took place between Senator Cooper and Senator Fulbright, who was Floor manager of the resolution. Senator Cooper asked: "The Senator will remember that the SEATO Treaty, in article IV, provides that in the event an armed attack is made upon a party to the Southeast Asia Collective Defense Treaty, or upon one of the protocol states such as South Vietnam, the parties to the treaty, one of whom is the United States, would then take such action as might be appropriate, after resorting to their constitutional processes. I assume that would mean, in the case of the United States, that Congress would be asked to grant the authority to act.

"Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the

defense of any other country included in the treaty?"

Senator Fulbright responded: "I think that is correct."

"Then, looking ahead," Senator Cooper asked, "if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?"

Senator Fulbright answered: "That is the way I would interpret it." [57]

Senator Fulbright added that should Congress decide the approval should ever be withdrawn, the third section of the resolution provided a way for doing that, by concurrent resolution. In fact, the Southeast Asia Resolution was repealed in January 1971, after the troop escalation had halted and sizeable reductions in forces had already begun by Presidential decree.[58] But, at this point in time—mid 1964—the major escalation was still impending. Nor did Congress shy away from it.

On May 18, President Johnson had asked Congress for $125 million in additional funds for South Vietnam, with $70 million of economic aid and $55 million of military assistance.[59] After the Tonkin Gulf attacks, Congress outdid the President by providing a total of $200 million in each category solely for use in Vietnam.[60] A year later, in May 1965, President Johnson sent Congress another appropriation request specifically related to the war in Vietnam. In it he sought a large supplemental appropriation of $700 million to support an increase in the number of troops in South Vietnam. His message reminded the Senate that the SEATO Treaty "committed us to act to meet aggression against South Vietnam." The message also invoked the Southeast Asia Resolution by telling Congress that less than a year ago it had "said that the United States was ready to take all necessary steps to meet its obligations under that treaty." The President's message concluded by expressly informing Congress he would regard a vote for the appropriation as a vote in support "of the basic course" of his Administration's Vietnam policy.[61]

By May 1965, this policy included the use of U.S. jets against the Viet Cong in support of Vietnamese troops and sustained air attacks against North Vietnam military targets, the Rolling Thunder Campaign.[62] Several Congressional leaders in both Houses had been briefed on these activities. They knew about them before the supplemental appropriations were requested.[63] After sustained bombing of the North began, two Marine battalions were landed to provide security for the Danang Air Base.[64] By mid-April 1965, the approved level of all U.S. forces in Vietnam was over 44,000.[65] What did Congress do about it? On May 5 and 6, the House of Representatives approved the entire $700 million of war funds by a vote of 408 to 7 and the Senate approved it by a vote of 88 to 3.[66] The President signed the bill into law only three days after having requested it.[67]

The first major ground combat operation by U.S. forces in Vietnam occurred in late June 1965.[68] But, before deciding on a major increase in U.S. ground combat forces, President Johnson sent Secretary McNamara again to Vietnam in July to investigate the needs and the situation in the South.[69] His recommendations included raising the level of our forces and asking Congress for an additional supplemental appropriation.[70]

Our military commanders felt they needed 50,000 more men for immediate purposes.[71] President Johnson writes that before making a decision and moving ahead, he invited six Senators and five House leaders to meet with him at the White House the evening of July 27, 1965. He described for them five alternatives and explained that he was thinking of doubling our total forces by November 1. The only expression of strong doubt came from Mike Mansfield, but even he said he would support the President's position.[72]

On the next day, July 28, President Johnson opened a press conference by saying that he had ordered to Vietnam 50,000 additional forces immediately and that more "will be needed later." [73] In August, the President formally asked Congress for an extra $1.7 billion in defense appropriations. The Appropriations Act providing these funds was approved unanimously by Congress a month later.[74]

Nor was this the end of it. Six months later, on January 19, 1966, President Johnson submitted a whopping $13.1 billion supplemental appropriations request chiefly to meet the cost of military operations in Southeast Asia. U.S. strength had grown to 184,000 in Vietnam.[75] The bills implementing his request became the focus of open hearings by the Senate on the war. In fact, the proceedings were nationally televised.[76] What happened? Once again, Congress gave the President every dollar he had asked for.[77]

Also, in early 1966, Congress approved an additional $415 million in supplemental appropriations for foreign aid, most of it meant for Vietnam.[78] Before reporting the bill in the Senate, the Foreign Relations Committee specifically rejected, by a vote of 14 nayes and only 5 ayes, an amendment which stated that a vote for the bill should not be interpreted as approval of any Presidential action in Vietnam.[79] In 1966, bombing of North Vietnam has been renewed after a complete suspension for 36 days and President Johnson had approved a major increase in the total level of our forces to 383,500 by the end of 1966 and to 425,000 by the middle of 1967.[80] Yet, in January 1967, when President Johnson asked Congress for another huge investment in the Vietnam War, he got it. This time he sought $12.3 billion earmarked "for the support of militay operations in Southeast Asia." [81] As before, Congress approved the full request and, also, declared "its firm intentions to provide all necessary support for members of the Armed Forces of the United States fighting in Vietnam. . . ." [82]

The Congressional commitment to the war in Vietnam continued through the end of the Johnson Administration, even when a new ceiling of 525,000 Armed Forces was set in August, 1967 for the Fiscal Year ending June 30, 1968.[83] In the words of President Johnson, the answer may be in the fact that while the public was much aware of the well-publicized views of a few critical legislators, it "was much less aware of the equally strong feelings of many other members of both Houses who believed that we should be taking stronger actions against the North and generally doing more bombing, not less." [84]

These powerful leaders and the majority in Congress remained supportive of the war. At least eight more Vietnam authorizaiton and appropriation laws were enacted before the Nixon Administration took office in 1969.[85] Although President Johnson announced a complete halt in bombing over North Vietnam on November 1, 1968,[86] the number of ground troops in Vietnam was still rising on January 20, 1969, when the President Nixon came into office.[87] The actual peak of troop strength reached 543,000 in April 1969.[88] Thus, even in the storm of campus demonstrations and despite Congressional hearings critical of Executive dominance in foreign policy, such as those the Senate Foreign Relations Committee held on "National Commitments," [89] the ground war was expanded through 1968 with Congressional knowledge and approval.

VI. WITHDRAWAL AND PEACE AGREEMENT

Before Richard Nixon was inaugurated he had already shared with Henry Kissinger his decision of withdrawing U.S. troops from Vietnam gradually and unilaterally.[90] President Thieu of South Vietnam had told President Johnson privately in July 1968 that he believed we could begin withdrawing American forces by the middle of 1969.[91] He repeated this belief publicly on February 6, 1969, and at a meeting with President Nixon on June 8, 1969.[92] The first American troop withdrawal was announced the same day. Our commitment to unilateral withdrawal started with 25,000 troops and became irreversable. The United States had begun a program of "de-Americanizing" the war and adopted for it a term coined by Secretary of Defense Laird, "Vietnamization." [93]

In March, April and May, before any troop withdrawals commenced, President Nixon ordered the first of a string of bombing attacks against North Vietnamese sanctuaries in Cambodia for the purpose of protecting American lives and weakening communist forces to the maximum possible extent.[94] Published leaks of those attacks helped fuel pressure for unilateral concessions in the Paris negotiations with North Vietnam, which had finally moved from procedural to substantive matters in January. Eleven anti-war resolutions were introduced in Congress between September 24 and October 15, 1969, the scheduled opening date of the so-called Moratorium, a series of monthly Vietnamese peace demonstrations.[95] Senator McGovern sponsored a resolution with nine other Senators requiring the withdrawal of all U.S. forces "now", limited only by steps to insure the safety of our forces.[96] Senators Hatfield and Church introduced a bill calling for a "more rapid" withdrawal of all forces and a commitment "to fully disengage" from Vietnam.[97] Senators Javits and Pell coauthored a resolution for withdrawal of all combat forces "by the end of 1970" and for revocation of the Southeast Asia Resolution.[98] None of these proposals were acted on, but Congress did enact a prohibition in late 1969 on the use of funds "to finance the introduction of American ground combat troops into Laos or Thailand." [99]

Yet, general Congressional support of the war continued until late spring of 1970. Reports of B-52 air strikes against North Vietnamese forces in Laos had aroused cries in Congress for publication of secret testimony earlier given Senators about our operations there,[100] but the real storm broke after joint U.S.-South Vietnamese ground attacks were made against North Vietnamese bases deep in Cambodia during eight weeks of May and June 1970.[101] On June 30, the date promised to Congressional leaders as the deadline for the operation, the Senate passed the Cooper-Church amendment which directed that the United States could not retain forces in Cambodia and could not pay military instructors in Cambodia or conduct air combat activity in support of Cambodian forces.[102] An amendment offered by Senator Robert Byrd, to allow the President

to take whatever "temporary action" he deemed necessary for protecting lives of U.S. forces in South Vietnam, had been defeated on June 11.[103] The vote against the Byrd amendment was 52 to 47,[104] and the vote for the Cooper-Church limit was 58 to 37.[105] The amendment was delayed in conference with the House and was not enacted until early the next year. As revised, it forbid the introduction of ground combat troops or advisers into Cambodia, but did not prevent the use of U.S. troops in border sanctuary operations designed to protect the lives of American soldiers, nor prohibit their use in supervising military deliveries to Cambodia.[106]

The same restriction was placed on our allies in 1971. An amendment to the Military Procurement Authorization Act for fiscal year 1971 provided that the statute shall not "be construed as authorizing the use of any funds to support Vietnamese or other free world forces in actions designed to provide military support to the Government of Cambodia or Laos."[107] Little noted is the fact that the same statute provided $2.8 billion for the support of Vietnamese forces.[108] The restriction was repeated in the Department of Defense Appropriations for fiscal 1972.[109] Again Congress reviewed its basic commitment to the war by providing another $2.5 billion in the same law for support of Vietnamese forces and local forces in Laos and Thailand.[110]

The real herald of what was in store is the McGovern-Hatfield amendment, which as introduced in August 1970 would have legislated a U.S. withdrawal by cutting off all funds for the war after December 31, 1971.[111] The amendment was defeated on September 1, 1970, by a vote of 39 yeas and 55 nays,[112] but similar measures were repeatedly introduced, with revised dates and increased success until the Paris Peace Accord was announced on January 23, 1973.[113] After September 1970, Congress' commitment fast became an impediment.[114]

Congress continued pressing the President in 1971 to set a firm, previously announced date for total withdrawal of U.S. forces even though Secretary Kissinger had already offered one to North Vietnam in a secret meeting at Paris on May 31 and had been rejected.[115] On June 22, the Senate passed by a vote of 57 to 42 the Mansfield "Sense of the Senate" resolution calling on the President to pull out all American forces within nine months if Hanoi would release our prisoners.[116]

The final version of this amendment, enacted September 28, substituted for this deadline a policy of "prompt and orderly withdrawal of all United States military forces at a date certain", subject to the release of POWs and an accounting for MIAs.[117] On September 30, the Senate voted for another version of the Mansfield Amendment calling for a pull out in six months, instead of nine.[118] In November 1971, House and Senate conferees dropped the six months limit and, again substituted language declaring it to be "the policy of the United States" to carry out a "prompt and orderly withdrawal . . . at a date certain."[119]

Thus, by the end of 1971 a majority in Congress had formed on the policy of withdrawal for prisoners. The President, however, was still committed to tying withdrawal to cease-fire, as well as to release of the POW's, so that Saigon would have a chance of survival.[120] In May of 1972, President Nixon ordered the mining of North Vietnamese harbors and mass bombing attacks north of the 20th parallel, including Hanoi and Haiphong.[121] After a suspension of bombing north of the 20th parallel in late October, President Nixon resumed the bombing on December 18, the so-called "Christmas bombing," which lasted twelve days, and he used B-52s on a sustained basis for the first time over the northern part of North Vietnam.[122] Henry Kissinger writes that the reaction of Congressional leaders was so strong that there was "no doubt anymore that Congress would move rapidly toward a cutoff in aid," once the legislature assembled again on January 3, 1973.[123]

Hanoi did not wait. Negotiations resumed in Paris, after breaking down on December 13, and the peace agreement was initiated within six weeks of the first bombing.

So ended what little was left of the Congressional commitment to the war. Even before Watergate undermined the President's authority, the Executive had already come to the end of the road in Vietnam. After the dimensions of Watergate became know, Congress passed a series of laws prohibiting the President from enforcing the peace accord.[124] The consequences are still being felt today.[125]

FOOTNOTES

*A discussion of rules of engagement is outside the scope of Congress' commitment to the war, but the rules are mentioned here because some legislators believe these restrictions were the prime impediment to a military victory in the Vietnam War. At Senator Goldwater's urging some of the rules were declassified in June 1975. Under one rule our pilots were not permitted to attack a North Vietnam Mig sitting on the runway. The only time it could be attacked was when it was in operation and showed hostile intentions. The same "hostile intention" rule applied to truck convoys driving on highways in North Vietnam. Another rule provided that SAM missile sites could not be struck while they were under construction, only after they were operational. 121 CONGRESSIONAL RECORD 17551-17558, June 6, 1975.

[1] J. MacGregor Burns, *Roosevelt: The Soldier of Freedom*, Harcourt Brace Jovanovich, New York (1970), at 130.

[2] *Id.*, at 379.

[3] *Id.*

[4] *Id.*, at 591.

[5] Dean Acheson, *Present at the Creation*, W. W. Norton, New York (1969), at 671.

[6] *Id.*, at 672.

[7] For report to the National Security Council by the Executive Secretary on U.S. policy to develop "a strong nationalist anti-Communist counterforce" in Indochina, see *Foreign Relations of the United States*, 1950, vol. 1, U.S. Department of State, Washington, D.C. (1977), at pp. 438-439.

[8] Mutual Defense Assistance Act, P.L. 81-329, sec. 303, 63 Stat. 709, 716, approved October 6, 1949. For remarks of Senator Connally, as manager of the bill, describing "Indochina" within "that general area", see 99 CONGRESSIONAL RECORD 13022 (September 19, 1949).

[9] *Public Papers of the Presidents of the United States: Harry S. Truman*, 1950, U.S. Government Printing Office, Washington, D.C. (1965), pp. 527-537, especially 531. Also, see 96 CONGRESSIONAL RECORD 9546, June 30, 1950 (Senate), 10526, July 18, 1950 (House).

[10] P.L. 81-621, sec. 8, 64 Stat. 373, 375, approved July 26, 1950.

[11] 3 UST 2756.

[12] Acheson, *supra* note 5, at 674.

[13] *Id.*, at 676.

[14] *Id.*, at 677.

[15] *Id.*

[16] *Congressional Quarterly Almanac, 1953*, C.Q. News Features, Washington, D.C. (1954), at 158.

[17] 99 CONGRESSIONAL RECORD 10335-36, especially remarks of Senator Dirksen (July 29, 1953).

[18] Acheson, *supra* note 5, at 677. $400 million had been appropriated for equipment, materials and services for forces in the Associated States of Indochina in the Mutual Security Appropriation Act for fiscal 1954, P.L. 83-218, 67 Stat. 478-479, approved August 7, 1953.

[19] Ellen C. Collier, M. T. Haggard, Larry A. Niksch, "United States Policy Toward Vietnam: A Summary Review of Its History", Congressional Research Service, Library of Congress, Washington, D.C. (July 20, 1972), at 14.

[20] Theodore C. Sorensen, *Kennedy*, Harper & Row, New York (1965), at 650.

[21] CRS, *supra* note 19, at 20-21.

[22] Southeast Asia Collective Defense Treaty, 6 UST 81.

[23] *Id.*, at 87.

[24] Executive Report No. 1, Senate Committee on Foreign Relations, 84th Congress, 1st Session, January 25, 1955, at 3.

[25] Hearings on the SEATO Treaty by Senate Committee on Foreign Relations, 83rd Congress, 2nd Session, November 11, 1954, Part 1, pp. 21, 22.

[26] *Id.*, at 13.

[27] SEATO report, *supra* note 24, at 9.

[28] *Id.*, at 21.

[29] 101 CONGRESSIONAL RECORD 1053, February 1, 1955.

[30] 101 CONGRESSIONAL RECORD 1052.

[31] 101 CONGRESSIONAL RECORD 1051.

[32] 101 CONGRESSIONAL RECORD 1054; SEATO report, *supra* note 24, at 15.

[33] *Id.*, SEATO report, at 12.

[34] *Id.*

[35] 101 CONGRESSIONAL RECORD 1060, February 1, 1955.

[36] CRS, *supra* note 19, at 25-26.

[37] *Id.*, at 33.

[38] Sorensen, *supra* note 20, at 640.

[39] *Id.*, at 643.

[40] *Id.*, at 646.

[41] *Id.*, at 647.

[42] *Id.*, at 654. And see Lyndon Johnson, *The Vantage Point*, Holt, Rinehart & Winston, New York (1971), at 57.

[43] Johnson, *id.*, at 53.

[44] *Id.*, at 55.

[45] Sorensen, *supra* note 20, at 657-660.

[46] CRS, *supra* note 19, at 41.

[47] Foreign Assistance Act of 1963, P.L. 88-205, 77 Stat. 379, approved December 16, 1963.

[48] Johson, *supra* note 42, at 112-113.

[49] *Id.*, at 113.

[50] *Id.*, at 112-114.

[51] *Id.*, at 115. Formosa Resolution, H.J. Res. 159, P.L. 84-4, 69 Stat. 7, approved January 29, 1955; Middle East Resolution, P.L. 85-7, 71 Stat. 5, approved March 9, 1957. In fact, President Eisenhower did not base his authority to move combat forces into Lebanon in the 1958 crisis on the resolution.

[52] Johnson, *id.*, at 116-117.

[53] *Id.*, at 118.

[54] See message of President Johnson reporting to Congress on attacks in Gulf of Tonkin, 110 CONGRESSIONAL RECORD 18132 (August 5, 1964).

[55] P.L. 88-408, 78 Stat. 384, approved August 10, 1964.

[56] Johnson, *supra* note 42, at 118.

[57] 110 CONGRESSIONAL RECORD 18409 (August 6, 1964).

[58] Foreign Military Sales Act Amendments, P.L. 91-672, sec. 12, 84 Stat. 2053, 2055, approved January 12, 1971. Repealed Southeast Asia Resolution, effective close of second session of 91st Congress.

[59] *Congressional Quarterly Almanac, 1964*, Congressional Quarterly Service, Washington, D.C. (1965), at 300.

[60] Foreign Assistance Act of 1964, P.L. 88-633, sec. 201(b), 78 Stat. 1009, 1010, approved October 7, 1964; Foreign Aid Appropriations for fiscal 1965, P.L. 88-634, secs. 107, 201, 78 Stat. 1015, 1017, approved October 7, 1964.

[61] See President Johnson's message to Congress requesting additional appropriations to meet military requirements in Vietnam, 111 CONGRESSIONAL RECORD 9282-84 (May 4, 1965).

[62] Johnson, *supra* note 42, at 122-132.

[63] *Id.*, at 128.

[64] *Id.*, at 138.

[65] *Id.*, at 141.

[66] 111 CONGRESSIONAL RECORD 9540-41 (May 5, 1965); 111 CONGRESSIONAL RECORD 9772 (May 6, 1965).

[67] Department of Defense Supplemental Appropriation for fiscal year 1965, P.L. 89-18, 79 Stat. 109, approved May 7, 1965.

[68] Johnson, *supra* note 42, at 143.

[69] *Id.*, at 144-145.

[70] *Id.*, at 146.

[71] *Id.*, at 148.

[72] *Id.*, at 150-151.

[73] *Id.*, at 153.

[74] Department of Defense Appropriation Act for fiscal year 1966, P.L. 89-213, Title V, 79 Stat. 863.

872, approved September 29, 1965; and see 111 CONGRESSIONAL RECORD 14500-14501 (June 23, 1965), 21734 (August 25, 1965), 24262 (September 17, 1965), and 24573 (September 21, 1965).

[75] Johnson, *supra* note 42, at 246.

[76] *Congressional Quarterly Almanac, 1966,* Congressional Quarterly Service, Washington, D.C. (1967), at 153.

[77] Military Procurement Authorization Act for fiscal 1966, P.L. 89-367, sec. 301, 401, 80 Stat. 36, 37, approved March 15, 1966; Supplemental Defense Appropriation Act for fiscal 1966, P.L. 89-374, sec. 102, 80 Stat. 78, 82, approved March 25, 1966.

[78] Foreign Assistant Act Amendments, P.L. 89-371, sec. 3, 80 Stat. 74, approved March 18, 1966; and see 112 Congressional Record 4004-4005 (House proceedings, February 24, 1966), 5541-5544, (Senate proceedings, March 10, 1966).

[79] Report No. 1060 on Foreign Assistance Act Amendments, Senate Committee on Foreign Relations, 89th Congress, 2nd Session, March 9, 1966, at 12, supplemental views of Senators Church and Clark; *Congressional Quarterly Almanac, 1966,* Congressional Quarterly Service, Washington, D.C. (1967), at 395.

[80] Johnson, *supra* note 42, at 240, 246, 578.

[81] See President Johnson's fiscal 1968 Budget message sent to Congress January 24, 1967, 113 CONGRESSIONAL RECORD 1350-1352.

[82] Armed Forces Supplemental Authorization Act for fiscal 1967, P.L. 90-5, secs. 301, 401, 81 Stat. 5, 6, approved March 16, 1967; Supplemental Defense Appropriation Act for fiscal 1967, P.L. 90-8, 81 Stat. 8, approved April 4, 1967.

[83] Johnson, *supra* note 42, at 263, 370.

[84] *Id.*, at 368.

[85] Foreign Assistance Act of 1966, P.L. 89-583, secs. 106, 108, 201, 80 Stat. 795, 799-802, approved September 19, 1966; Department of Defense Appropriations Act for fiscal 1977, sec. 640, P.L. 89-687, 80 Stat. 980, 997, approved October 15, 1966; Armed Forces Authorization Act for fiscal 1968, P.L. 90-22, sec. 301, 81 Stat. 52, 53, approved June 5, 1967; Department of Defense Appropriation Act for fiscal 1968, P.L. 90-96, sec. 639, 81 Stat. 231, 248, approved September 29, 1967; Military Construction Authorization Act for fiscal 1968, secs. 501, 502, 802, P.L. 90-110, 81 Stat. 279, 307, 308, approved October 21, 1967; Second Supplemental Appropriations Act for fiscal 1968, P.L. 90-392, 82 Stat. 307, 311, approved July 9, 1968; Armed Forces Authorization Act for fiscal 1969, sec. 401, P.L. 90-500, 82 Stat. 849, 850-851, approved September 20, 1968; Department of Defense Appropriations Act for fiscal 1969, P.L. 90-580, sec. 537, 82 Stat. 1120, 1136, approved October 17, 1968.

[86] Johnson, *supra* 42, at 578.

[87] Henry Kissinger, *White House Years,* Little, Brown & Co., Boston (1979), at 235. Secretary of Defense Clark Clifford said on September 29, 1969, "the level of combat is such that we are building up our troops, not cutting them down." *Id.*, at 271.

[88] *Id.*, at 578.

[89] Hearings before the Senate Committee on Foreign Relations on S. Res. 151, 90th Congress, 1st Session, August 16, 17, 21, 23 and September 19, 1967. These were the first of a series of hearings begun in 1967 and continued in 1969 on the state of Congress' Constitutional role on the making of American foreign policy. S. Res. 151 asserted that a national committment to a foreign power required in one form or another the approval of Congress. S. Res. 85, 91st Congress, 1st Session, a modified version of the original S. Res. 151, was agreed to by the Senate on June 25, 1969. 115 CONGRESSIONAL RECORD 17245.

[90] Marvin and Bernard Kalb, *Kissinger,* Little, Brown & Co., Boston (1974), at 127.

[91] Johnson, *supra* note 42, at 512.

[92] Kissinger, *supra* note 87, at 272, 274.

[93] *Id.*, at 272.

[94] *Id.*, at 247-249.

[95] *Id.*, at 290.

[96] S. Con. Res. 39, 91st Congress, 1st Session, introduced October 9, 1969, 115 CONGRESSIONAL RECORD 29397-98 (text and explanation), 30971, 33838.

[97] S. Res. 270, 91st Congress, 1st Session, introduced October 8, 1969, 115 CONGRESSIONAL RECORD 29106-29116 (text at 29114), 30659.

[98] S. Con. Res. 40, 91st Congress, 1st Session, introduced October 14, 1969, 115 CONGRESSIONAL RECORD 29800-29803 (text at 29800).

[99] The first Cooper-Church amendment was incorporated in the Department of Defense Appropriatons Act for fiscal 1970. P.L. 91-171, sec. 643, 83 Stat. 469, 487, approved December 29, 1969. The prohibition was retained in the 1971 and 1972 Defense Appropriations. P.L. 91-668, sec. 843, 84 Stat. 2020, approved January 11, 1971; P.L. 92-204, sec. 742, 85 Stat. 716, 735, approved December 18, 1971.

[100] Kissinger, *supra* note 87, at 452-53.

[101] *Id.* at 505-507

[102] See text of Cooper-Church amendment at 116 CONGRESSIONAL RECORD 15556-57 (May 14, 1970).

[103] See text of Byrd, West Virginia, amendment at 116 CONGRESSIONAL RECORD 19410.

[104] 116 CONGRESSIONAL RECORD 19424.

[105] 116 CONGRESSIONAL RECORD 22251.

[106] Special Foreign Assistance Act of 1971, P.L. 91-652, sec. 7(a), 84 Stat. 1942, 43, approved January 5, 1971. A year later the Congress enacted the Symington-Case amendment which limited the total number of U.S. military *and* civilian personnel in Cambodia to 200. Foreign Assistance Authorization Act of 1971, P.L. 92-226, sec. 656, 86 Stat. 20, 30, approved February 7, 1972.

[107] Armed Forces Authorization Act for fiscal 1971, P.L. 91-441, sec. 502, 84 Stat. 905, 910, approved October 7, 1970.

[108] *Id.*, sec. 502, 84 Stat. 910.

[109] Department of Defense Appropriation Act for fiscal 1972, P.L. 92-204, sec. 742, 85 Stat. 716, 734, approved December 18, 1971.

[110] *Id.*, sec. 738, 85 Stat. 734.

[111] See text of amendment no. 862 at 116 CONGRESSIONAL RECORD 30464 (August 31, 1970).

[112] 116 CONGRESSIONAL RECORD 30683.

[113] The Agreement on Ending the War and Restoring Peace in Vietnam, 24 UST 1, January 27, 1973; Joint Communique implementing the agreement and protocols, 24 UST 1675, June 13, 1973.

[114] Henry Kissinger writes that from the vote on the McGovern-Hatfield amendment forward the pattern was clear: "Hanoi could only be encouraged to stall, waiting to harvest the results of our domestic dissent." Kissinger, *supra* note 87, at 513.

[115] *Id.*, at 1018, 1044.

[116] Amendment no. 214 to Military Selective Service Act, 117 CONGRESSIONAL RECORD 21307 (text), 21308 (vote).

[117] Military Selective Service Act, P.L. 92-129, sec. 401, 85 Stat. 348, 360, approved September 28, 1971.

[118] Amendment no. 437 to Military Procurement Authorization Act for fiscal 1972, 117 CONGRESSIONAL RECORD 34244. The amendment was approved by a vote of 57 to 38.

[119] P.L. 92-156, sec. 601, 85 Stat. 423, 430, approved November 17, 1971. The House persisted throughout 1971 in rejecting all specific timetables for ending U.S. activities in Vietnam. Nedzi-Whalen amendment defeated 158 to 255, 117 CONGRESSIONAL RECORD 20578-79 (text and vote) (June 17, 1971); Whalen motion to accept Mansfield amendment tabled 219 to 175, 117 CONGRESSIONAL RECORD 22429 (June 28, 1971); Boland amendment rejected 163-238, 117 CONGRESSIONAL RECORD 41807 (text), 41834 (vote), November 17, 1971; Ryan motion to instruct conferees to agree to Mansfield amendment tabled 130 to 101, 117 CONGRESSIONAL RECORD 47432 (December 16, 1971).

[120] Kissinger, *supra* note 87, at 1307.

[121] *Id.*, at 1301.

[122] *Id.*, at 1390, 1448, 1452.

[123] *Id.*, at 1453.

[124] For a detailed analysis of the several legislative prohibitions on military activity in Indochina, beginning with the Eagleton amendment restricting bombing in Vietnam, Cambodia or Laos, and the rejection of military aid to Vietnam, see Chapter 1, "The Legislated Peace," in *Foreign Policy by Congress,* by Professors Thomas Frank and Edward Weisband, Oxford University Press, New York (1979), pp. 13-33. See also H. Kissinger, *Years of Upheaval,* Little, Brown & Co., Boston (1982), pp. 338, 355-361.

[125] Henry Kissinger believes the impediments which Congress put on the ability of the Nixon and Ford Administrations to enforce the peace settlement "not only led to genocidal horrors in Indochina; from Angola to Ethiopia to Iran to Afghanistan, it ushered in a period of American humiliation, an unprecedented Soviet geopolitical offensive all over the globe, and pervasive insecurity, instability, and crisis." Kissinger, *id.*, at 88.●

FOREST MANAGEMENT IN IDAHO

● Mr. SYMMS. Mr. President, the issue of forest management in Idaho has continued to draw much attention from the press and other media. One would guess from a typical newspaper headline that there is great contention in the State—pitting pro-wilderness factions against the timber and mining industries. The truth is that there exists a much greater consensus among Idahoans as to the necessity of ending the wilderness question on our forest lands.

The Idaho delegation's bill, the Idaho Forest Management Act, has received a broad spectrum of support. My office here in Washington has received the comments of over 6,000 Idahoans who believe that new additions to the State's wilderness system are unnecessary. These letters have come from individuals of many varied interests and from numerous different professions.

One letter which I recently received expresses particularly well my own reasons for supporting the proposed legislation. Mr. President, I ask that this letter be printed in the RECORD.

The letter referred to follows:

LEWISTON, ID,
May 18, 1984.

Hon. STEVE SYMMS,
Senate Office Building, Washington, DC.

DEAR SENATOR SYMMS: As a college biology professor, I'm aware that the money I'm paid comes largely from Idaho taxpayers. I'm also aware that all of Idaho education as well as other services, is currently caught in a funding crunch. It's in my own interest that this crisis should be solved. That's why I'm concerned about large addition to Idaho's federally designated Wilderness areas.

As a biologist, I recognize the values Wilderness has for watershed, for animal habitat, for recreation, and for serving as a touchstone by which we may judge our success at managing developed lands.

But as a teacher, I also have to be aware of people problems.

Some 25 percent of Idaho's non-farm economic base lies in its timber industry. In a state in which the Forest Service is the largest owner by far of commercial timberland, this means the availability of Forest Service timber is vital to the economic health of the businesses and employees who pay my wages.

Idaho already has nearly 4 million acres of legally untouchable Wilderness. This is more than any other state except Alaska. Further large additions will severely crimp the forest products industry—and others, such as mining and grazing—who rely heavily on public lands.

Forest lands can be managed successfully to provide both the continuing economic resources available and most of the values we seek in Wilderness. It's time to strike a balance.

Congress should put an end to the 20-year-old Wilderness struggle by declaring, "that's enough." Make sure adequate protections are in place for land that's released for multiple use, set Wilderness limits permanently, and move on to the many other important issues facing it . . . such as proper funding for education.

Sincerely,

GERALD M. BAKER, Ph.D.●

THE U.N.—A MATTER OF RESPONSIBILITY

● Mr. SYMMS. Mr. President, I ask that the following article, printed in the May 16 Baltimore Sun, be printed in the CONGRESSIONAL RECORD. The article, authored by Senator BOB KASTEN of Wisconsin, explains the significance of U.N. voting records. Senator KASTEN convincingly suggests that voting records be a factor in our consideration of U.S. contributions to the U.N. and in our foreign policies.

To those who have studied firsthand the U.N. and its operations, as BOB KASTEN had the opportunity to do, it is readily apparent that the U.N. has become the world stage for anti-American propaganda and manic denunciations of American foreign policy. With limited resources available for Federal expenditures for foreign aid, I believe it most important that we target these resources to countries which value the same principles of democratic government and individual freedom that we do; voting records are strong indicators of where U.N. members stand on these issues. I applaud Senator KASTEN'S continuing efforts to educate the American people and the Congress about the true nature of the United Nations.

THE U.N.—A MATTER OF RESPONSIBILITY

WASHINGTON.—It is surprising that columnist Carl Rowan consider it "silly" to keep tabs on U.N. voting behavior, especially among nations that receive U.S. foreign aid ["The Kasten Plan—Drawing the Line at the U.N." Opinion-Commentary, May 5].

Contrary to what Mr. Rowan suggests, it is not "a bad idea" to use voting behavior in the U.N. as one factor in determining foreign assistance for countries that profess to be our friends, even our allies. It is a matter of accountability.

It is also a matter of responsibility or irresponsibility. Mr. Rowan really cannot have it both ways, Either we take the U.N. seriously, in which case the voting behavior of "friends" and "allies" does count for something. Or, if it's all just "silly" theater of the absurd, then we should consider cutting our losses and treat the U.N. as irrelevant to basic U.S. national interests.

In 1982, President Reagan appointed me to serve as a U.S. delegate in the General Assembly of the United Nations. When I got there, I found that for the past two decades the U.N. had become the pre-eminent international forum for anti-American activity. I was especially concerned because as chairman of the Senate Foreign Operations Appropriations Subcommittee, I know all too well that the United States pours more than $1 billion into the U.N. each year had another $12 billion into foreign aid programs. There are 158 countries in the United Nations, and yet the United States pays 25 percent of the bill.

In his commentary, Rowan refers to a new policy resulting from legislation I sponsored under which the State Department is required to provide the president and Congress with a report each each year on U.N. voting practices. My direct experience with the abuses suffered by the United States at the U.N. led me to believe that Congress simply must take a more active role in monitoring U.N. votes activities.

The first report was recently released by the State Department. It was full of outlandish examples of just how blatant the anti-American behavior is at the U.N. and how poorly—almost contemptuously—the United States is being treated.

Most Americans are generally aware of the decline in U.S. influence at the United Nations, but most would be upset, as I was, to experience at first hand the shocking anti-American rhetoric and voting there.

Furthermore, it is wrong for Mr. Rowan to suggest that I believe U.N. voting practices should be the sole criterion for receiving U.S. foreign aid. In the first of a series of speeches highlighting the contents of the report, I said, "I wish to be clear that I am fully in accord with Ambassador [Jeane] Kirkpatrick's position as expressed in a statement before my appropriations subcommittee that U.N. voting practices ought not to be the only, nor necessarily even the major, consideration in our aid policies. Nevertheless, these voting practices must seriously be taken into account.

For the first time in history, we have a tool by which we can effectively study the voting behavior of individual members of the U.N. Congress and the American people will ultimately benefit from the availability of this information. So will our national interests.●

RECOGNITION OF THE INTERFRATERNITY CONFERENCE'S 75TH ANNIVERSARY OF ITS FOUNDING

● Mr. D'AMATO. Mr. President, I rise today to recognize the National Interfraternity Conference (NIC) as it is celebrating the 75th anniversary of its founding in 1909. The NIC is an organization that is composed of 56 college fraternities, representing 3 million members on more than 650 college campuses across the United States and Canada. The NIC is an organization dedicated to fostering the highest ideals in fraternity chapters—ideals such as scholarship, leadership, friendship, and student development.

The college fraternity is truly an American institution—dating back to December of 1776 in Williamsburg, Va. Since that time, the college fraternity has served as a breeding ground for individuals entering vital positions in our society.

It is the leadership training available in college fraternities that has proven so beneficial to alumni who have gone on to become leaders in business, science, religion, education, and government. However, in no other field does fraternity leadership training seem to prove more beneficial than in public service. Twenty-three U.S. Presidents were members of college fraternities, including President Reagan. Most U.S. Vice Presidents were members of fraternities, including Vice President BUSH.

In the 98th Congress, 143 Congressmen and 52 Senators were members of college fraternities. Mr. President, it is possible to go through all levels of public service and find individuals that have had experience in college fraternities.

Furthermore, college fraternities are active in local community organizations. In a recent report to President Reagan's Task Force on Private Sector Initiatives, a NIC study revealed that college fraternities annually raise more than $7 million and provide over 1 million man-hours of time to a wide variety of charitable, social service, and medical research agencies.

In addition to philanthropic activities, fraternities provide benefits to colleges and universities hosting fraternity systems. In most cases, fraternities provide a variety of housing opportunities and student activities. One study showed that members of college fraternities are more satisfied with their college experiences, while many surveys have shown that fraternity alumni are more loyal to their alma maters in the form of future financial support and recommendations of potential students to their colleges or universities.

Another area in which the NIC is playing an active role is in its opposition to hazing and its active support for alcohol education programs. The 57 members of the NIC have endorsed a resolution against hazing and illegal preinitiation activities.

More recently, at its 1983 annual meeting, the NIC unanimously approved a resolution calling for the lawful and responsible use of alcoholic beverages. The resolution calls for continuing support and development of alcohol education programs to help combat the nationwide problem of alcohol abuse among college students.

Mr. President, I think it is clear that the National Interfraternity Conference should be congratulated on its 75th anniversary and the conference and its member fraternities commended for the benefits they provide to our society. The combination of benefits to students, colleges and universities, and social service agencies is proof that the American college fraternity system deserves our appreciation.

As a loyal member of the Alpha Chi Rho chapter of Syracuse University, I believe that my fraternity experience has been beneficial in my development as a student, and as an adult and citizen. Like so many of my colleagues in government service, I believe my franternity experience contributes to my work as a U.S. Senator.

Mr. President, I am proud to congratulate the National Interfraternity Conference on 75 years of service to young men, colleges and universities, and the Nation.

Thank you, Mr. President.●

A PORTRAIT OF THE SAKHAROVS

● Mr. TSONGAS. Mr. President, men and women of good will around the world continue to follow closely developments concerning Drs. Yelena Bonner and Andrei Sakharov in the Soviet Union. Most recently, it has been reported that Dr. Sakharov, who began a hunger strike on May 2, was taken to a hospital shortly thereafter. Few details are available.

Indeed, because no foreigners are permitted in the city of Gorky, to which Dr. Sakharov has been confined for the last 4 years, and because communication with the outside world is made terribly difficult by Soviet authorities, we have rarely been able to keep close track of the Sakharovs' lives. But today I have been given a document that sheds a great deal of light on the tragic circumstances into which the Sakharovs have been forced. Dr. Jeremy Stone of the Federation of American Scientists has provided me with an interview conducted in February with a recent emigre from the U.S.S.R., Natal'ya Viktorovna Hesse, who is an old and trusted friend of the Sakharov family.

Natal'ya Hesse has known Yelena Bonner for over 30 years, and Andrei Sakharov since 1970. She has visited the couple in Gorky on seven occasions, and has stayed with them for periods up to 1 month. Before she left the Soviet Union, she met secretly with Sakharov in Gorky and visited Bonner in Moscow.

Ms. Hesse's portrait of the Sakharovs in internal exile is moving and disturbing. Among other things, she describes to interviewer Vladimir Tolz the evident deterioration in the health of Drs. Bonner and Sakharov early this year.

Mr. President, I ask that the English translation of this interview, conducted in Russian, be inserted into the RECORD.

The interview follows:

INTERVIEW

TOLZ. Natal'ya Viktorovna, you are someone who has recently seen Andrei Sakharov. Please tell us about your meeting with him.

HESSE. This was our seventh meeting over the past few years since his forced exile to Gorky. In this case, as also in the case of six other meetings (I will talk about the first one separately), the meeting took place on the street, at a prearranged place and a prearranged time. We didn't have much time. I already knew that I would be going away and I came to say goodbye to him. He has aged much, he is full of worries concerning the state of health of his wife, Yelena . . . But he is not broken, he is not bending; he is full of worry and he is physically weak; but he is strong in spirit as always. He continues to be the voice of Russia's conscience, which has been awakened and will not quiet down. And he always brings within him the free word and the free thought that our Russia misses so much.

Between incoherent and hurried exchanges—because we had only a few hours at our disposal—between some trivia and important topics—which we touched upon sometimes in more detail, sometimes with laughter and in sorrow—between questions about the life of our dear ones—who have been arrested, whose homes have been searched—we recalled Orwell, and I think this was not incidental. We have lived to see the year, predicted by Orwell—1984. And it may seem strange to a Western person, it may seem that Orwell has nothing to do with real life, that his fearsome utopia still remains in a utopia or maybe an anti-utopia. However, the Soviet authorities—our dear KGB—have overtaken Orwell by four whole years: in 1980, Andrei Sakharov and his wife, Yelena Bonner, were plunged into a world that surpassed Orwell's nightmarish fantasies.

I can tell you about this in greater detail. I will try to explain concretely what I have in mind. In 1980, I had some luck, having arrived in Gorky on January 25, 1980, immediately after the seizure and forced transportation of Andrei to Gorky. His routine at that time had not been set yet; the authorities didn't know yet how to organize it, and I was able to stay with them for one whole month. Their whole apartment is bugged, there isn't a corner where one couldn't listen to each sigh, each cough, each footstep, not to speak of conversations. Only thoughts can remain secret, if they haven't been put down on paper, because if the Sakharovs go to the bakery or to the post office to mail a letter, the KGB agents will search the place—they will either photograph or steal the written thought.

Andrei with his weak heart, his inability to walk up even five or seven steps without pausing for breath and trying to quiet the heartbeat, is forced to carry a bag that I, for example, can't lift. When once we went into a shop, he asked me to watch over this bag, but I wanted to see what was on the shelf, and I had to drag the bag after me, I just could not lift it. In this bag Andrei carries a radio-receiver because it would be damaged if left at home, all his manuscripts—both scientific and public ones, diaries, photos, personal notes. He has to carry all this around with him. I think all this must weigh no less than fifteen kilos. And this man with a bad heart—suffering from acute hypertension—is forced to carry this bag every time he leaves his home, even if it is only for ten minutes.

In addition to a normal jamming device, there is, in the apartment, a special generator that creates additional interference over and above the interferences caused by conventional jammers in all cities of the Soviet Union. This is a terrible growl that drowns even the jammer's noise. In order to hear at least some Free World voice, one has to go away from the house. It would be better to go out of town, but Andrei Dmitrievich cannot take but even one step beyond the city limit, to go past the sign with the word "Gorky" on it. He is immediately turned back, he is denied such a possibility, although there is no verdict condemning him to such kind of isolation.

This is complete lawlessness on the part of the so-called competent bodies. It is very interesting that the recent law on citizenship uses this term "competent bodies" without any explanation. This is one example of the extent of lack of legality in our state. There cannot exist a judicial term that is not and cannot be explained. However, the law states that some cases must be reviewed by the MVD, while in some other instances, as prescribed by other articles, the same cases are supposed to be dealt with by "competent bodies." It is not clear who these "competent bodies" are. When the term is used in the press, one can only guess who and what they are. But when this is not explained in the text of the law, one may only make a helpless gesture and just wonder.

TOLZ. Natal'ya Viktorovna, you were going to tell us about your first visit to Gorky in greater detail.

HESSE. Yes. At that time I managed to stay there for a month, side by side with Sakharov and Yelena, who, however, often traveled to Moscow trying to do something there to make Andrei's life easier. A lot of interesting things were going on. There was a stream of letters, great numbers of them, ten and occasionally a hundred a day. After a few days, I began to sort them out—having decided to take a look—because there were all kinds of letters: some greeting and supporting him, some bewildered, some neutral ones in which people asked him to explain his position—asking whether what the Soviet papers wrote about him was true.

But some of the letters were abusive—there were curses, there were threats. Some letters were, I would say, of an extreme nature. One letter was, in my view, very funny. We all laughed terribly when it arrived: "We, second grade pupils, sternly condemn the position of Academician Sakharov, who wants to unleash an atomic war between the Soviet Union's peaceful democracy and the rotten Western world. Shame on Academician Sakharov! Second grade pupils." Such a letter was obviously dictated by an illiterate teacher.

Another extreme letter was also very interesting and somehow simply touched one's heartstrings. It began with some swear words, but not obscene, no. And further, it said: "I am seventy-four years old. I am a construction engineer. I live well and have a separate room in a hostel. The water pump is about 300 meters from where I live, and I have to carry firewood from the woods, but still I am a patriot. And your studies were paid for by Soviet money, but you have now betrayed your homeland." This letter was from a woman who represents one of the most terrible types of Soviet patriots. When a person exists at the very bottom level of human life and does not realize it—imagining that he lives well—this is very frightening.

After about a week I said: "Listen, these letters must be sorted out, so that we can see the result. There are already many hundreds of them, I'll review and assess them, and then we'll total them up." When all this was done, I loudly proclaimed: "Well, kids, this is terribly interesting: 70 percent are messages of greeting, 17 percent are neutral or expressing bewilderment, and only 13 percent are abusive ones." The result of this careless remark—made aloud—was very unexpected.

Letters with greetings and voicing approval simply ceased to arrive. From the very next day, we began to receive only abusive letters. This was evidence of very attentive and well-organized monitoring and a very careful analysis of all conversations within the apartment.

The second incident happened when I was already gone. I heard about it from Yelena. She had walked to the window, and looked at the joyless, empty lot covered with trash, and at the highway beyond with roaring trucks passing by, said: "From the window in Moscow one can see Red Square, but from this window, only a bit of the street,

trash, and all kinds of debris. It is better not to look out the window." And then turning to Andrei, who was standing behind her, she said: "You know, Andrei, I think I'll photograph this, take a picture and send it to the West. Let them look at this wonderful landscape." The next day three trucks arrived and soldiers collected all the trash on the empty lot in front of the windows. Commenting on this, Yelena used to say jokingly: "Thus, I'll bring order to Gorky."

I have already said that Sakharov was not allowed to leave Gorky's city limits, to step beyond the sign with the name "Gorky." But the house itself—although within the city limits—is located near the border line. Then there is a ravine—also still within the city limits; it is a sort of an empty lot and a thick aspen grove. Andrei and Yelena once decided to take a walk along a narrow path and—in accordance with the rules—two persons in civilian clothes tagged after them. The Sakharovs exchanged some glances and, having gone separately in different directions away from the path, hid in the thick bushes. Having lost sight of them, the agents began running to and fro. Within three minutes a helicopter arrived on the spot, descended to about five meters above the ground, and the KGBists with scared and fierce faces stared from all windows of the helicopter, trying to locate the Sakharovs. Thus it is impossible to hide from the KGB's "almighty eye" anywhere—even in thick aspen bushes.

The methods used to keep the Sakharovs isolated are sometimes pretty entertaining, I would say. Once, a famous musician—a guest performer from Moscow—visited Gorky, and they decided to go to his concert. They bought tickets beforehand and then came to the concert. It so happened that they had tickets for the fifth row, and they were surprised and amazed to discover that the four rows ahead of them were empty—there was not one person sitting there. Whether the people who had bought tickets for these rows had been reimbursed or had been prevented from attending the concert by some other method was unknown, but Andrei and Yelena sat in the fifth row, with five rows around them—four rows in front and their own row—unoccupied. The row behind them was occupied by KGBists. Since then, the Sakharovs have avoided going to concerts. They have confined themselves to going to the cinema—in the darkness little attention is paid to them there.

TOLZ: Natal'ya Viktorovna, a persecution campaign against Sakharov has become especially intensive recently in the Soviet press, as well as in some books—one by Yakovlev, in particular. Please, tell us in greater detail about this stage of Sakharov's persecution that began, I think, about a year ago.

HESSE. First of all, I will tell you about the Yakovlev episode. Yakovlev has expressed himself in the most shocking manner—his writing cannot be called anything but slop. His book, *CIA against the USSR*, was published, I think, in 300,000 or 400,000 copies and was later reprinted several times with some changes (one should remember that with changes amounting to 20 percent of the original text, one can collect new royalties). He published this in the magazine *Smena* that has a circulation of 1.5 million copies and, finally, having redone it and having added a good dose of anti-Semitism, he published it in *Chelovek i Zakon* ("Man and the Law"). This sounds even more paradoxical, as this periodical has a circulation of almost eight million. So, together these two million have a circulation of about ten million.

Well, during our last meeting, Andrei told me in detail about his encounter with Yakovlev, who, strangely enough, was allowed to come to Gorky. Sakharov was very elaborate in his narration, laughing and, at the same time, expressing horror at the extent of man's downfall.

His doorbell rang. Yelena was in Moscow at the time. Sakharov was alone and was very much surprised. He decided that it must be a telegram. He opened the door. There was an unfamiliar man standing there with a woman—a man advanced in years ("Of my own age," said Andrei. Andrei let them in, and the woman immediately asked whether she could smoke in the apartment. Being an extremely well brought up person, Andrei showed them to the largest room, right across from the entrance, said "Please go in," and hurried into the kitchen to get an ashtray, as he himself does not smoke.

When he returned, his guests were already seated. He only had time to think: "Maybe some physicians have finally come from the Academy of Sciences in order to have me hospitalized finally." He thought so because a few months earlier, some physicians had come and had concluded that he was urgently in need of hospitalization. But these two were no medical doctors. The visitor by this time had already managed to display a pile of books and said: "I am Nikolai Nikolaievich Yakovlev. As you know, I am a writer. Or maybe you don't know this. But I brought you my books as a present and, if you agree, I will autograph them for you."

Andrei was taken aback somewhat by the unprecedented impudence and said: "I don't need your presents." He waved his hand, and one of the books fell on the floor. Nobody picked it up—neither Yakovlev nor Andrei. But Yakovlev continued: "Well, I have published, you know, some articles. And so, we have received many inquiries, and I am unable to answer them all. Therefore, I came here to ask you some questions and to get answers that we could relate to our readers."

Andrei retorted that he refused to talk to Yakovlev until the latter apologized in writing for slandering Sakharov's wife—Yelena Bonner—and her and his own—Andrei's—family, as well as Andrei himself. After this he grabbed the book, *CIA against the USSR*, which was lying nearby and feverishly began turning the pages. "How could you write such slander, such horrible slander? How could you have called our children 'smatterers' when they all have university education?" . . . To which Yakovlev replied, unperturbed: "Yes, I know."

To most of Andrei's angry questions, Yakovlev replied that he was aware of this or that. And only when asked, "How did you dare to write that my wife beats me?" Yakovlev said, "Well, so I was told in the prosecutor's office."[1] This man (Yakovlev) is so replete with cynicism and is of such moral degradation that he has no idea of either conscience or shame.

They talked a few more minutes. Yakovlev said: "I am not going to write an apology. If you think this is slander, you can refer the matter to court. And, speaking generally, try to understand that we are defending you." Andrei said: "I don't need your defense, and I am not going to go to court—I will just slap your face now." (It was at this point in the narration that I shuddered. I told Andrei that this was terrible—that it was a frightful moment. And he said he felt the same way).

Hearing this, Yakovlev, who was sitting at the table, covered his cheek with his hand. This is the utmost level of degradation when a person cannot even face a slap honorably, openly like a man. He covered part of his face with one hand, but Andrei, who has equal command of both of his hands—the left and the right one—slapped him on the unprotected cheek. At that point, Yakovlev and his companion ran away from the apartment—in the direct sense of the word: they jumped up, overturning chairs, and escaped.

Having finished the story about slapping Yakovlev's face, Andrei said to me: "You know, I have seen many different people in my life, including many bad ones. But this is something out of Dostoyevsky, this is Smerdyakov. One cannot sink any further."

In Moscow, it is said about Yakovlev that his father had been a general, did some time in Stalin's concentration camps, and was later released, allegedly in World War II and even was promoted to the rank of marshal. Yakovlev himself—a student at that time—landed in the camps in the middle or at the end of the war on some, probably insignificant charge (this was usual in Stalin's days), as he had never been an enemy of the Soviet regime. But when he was jailed, he immediately began to engage in slanderous accusations against all his acquaintances and allegedly dragged a multitude of completely innocent people into the hell of Stalin's camps.

When released, he was already a full-fledged informer and quickly began making a very successful career. He is an expert on America, and it is said that his books on historical topics are not bad at all. But those who know him also say that he is cynical in the extreme, that his motto is that the Soviet regime is so abominable that one can and must be a scoundrel, that everybody must become a scoundrel. Such is Yakovlev's position, and he practices it in real life perfectly well.

TOLZ. Natal'ya Viktorovna, could you say something concerning Soviet citizens' reaction—in Gorky, in particular—to this defamation campaign against Sakharov and his wife Yelena which has now been intensified.

HESSE. Yes. The letter by four Academy members, directed against Andrei, has played a certain role, although not a very big one within the context of the campaign of defamation and slander that has been unleashed around Andrei and, particularly around Yelena. I think that the West is of the opinion that it was these four academicians' letter that played the principal part. (However, even among Academy members one can find alcoholics and people who would burden their conscience with heavy sins for their career's sake. And these four academicians, in particular, are known for being go-getters ready to do anything. They are known to have sunk very low and to have drowned themselves in alcohol.)

But in Gorky itself—and the campaign was unleashed mainly in Gorky—it was provoked not by the letter, which was published somewhere in the corner of a newspaper, but the fact that Gorky papers reprinted all of Yakovlev's insinuations concerning

[1] Interviewer's note: At another point Hesse said she had been told that the editor, who had allegedly been working on Yakovlev's books, asked him once: "Nikolai Nikolaevich, where do you get material for your abominable articles?" And Yakovlev said: "Does one need any sources for this?"

Yelena and, furthermore, added their own commentaries. Since then, at somebody's command, an extremely vicious campaign was organized. The Sakharovs were even afraid to go to the bakery because they would be insulted. People would holler at Andrei and Yelena: "Your Yid-wife must be killed."

Their neighbor in the house had been helped by Yelena, who is a pediatrician (a very good pediatrician, an excellent physician), when the neighbor's child was suffering from an allergy and physicians in Gorky were unable to cure it. Yelena did help the child with her advice, and the child was cured. And this same neighbor used to cry: "It would have been better for my child to rot than to be touched by your dirty hands."

The Sakharovs' car would be covered with dirty graffiti: "War-monger, get away from here, away from our town!" This seemed to them (and I have discussed this at length with both of them) to be a spontaneous wave of wrath on the part of the people. But whenever I asked Yelena to describe each incident in detail, her story would always expose some "stage director" who directed each particular horrible act.

It is very easy to arouse indignation in our country. Indignation is fostered by the hardships of everyday life, by lines in front of the stores, by the whole drabness and oppression in Soviet reality, which is very hard. Therefore, it is sufficient to make just a little hole, to open up the valve just a bit, and one can direct the stream of hate and bitterness any way one wants to. When people are standing in a line, it is enough for someone to shout: "It's not his turn!" or "Don't give him two kilos instead of one!" and the crowd will release its anger upon the unfortunate victim. Thus it is a very simple task to orchestrate something like that.

As I said earlier, there was a stream of letters addressed to Sakharov. I did not have a chance to review them all, but I think the number of letters reflecting sincere views of their authors was much smaller in proportion to those dictated and organized by authorities.

TOLZ. Natal'ya Viktorovna, it is known from the letters received from Yelena and Andrei that in the course of this persecution campaign, there were some very nasty incidents on the railroad. Could you tell us more about them.

HESSE. Yes, certainly. When this persecution campaign was in full swing, Yelena had to go to Moscow again in order to bring back some books necessary for Andrei's scientific work and food and other products unavailable in Gorky. She was forced to carry and bring such products all the way from Moscow. She boarded the train, and when it was under way for two or three minutes, one of her traveling companions in the compartment shouted: "I recognize you! You're Sakharov's wife! I don't want to travel on the same train with you to breathe the same air!" Another passenger—a man unrelated to this woman—sided with her. A third woman turned her face to the window and remained silent. "But you are Sakharov's wife, aren't you?" continued the first woman in a loud voice. Yelena Georgievna replied in the affirmative. "Get off the train!"

Yelena decided that she needed a moment to collect herself and went to the ladies' room. When she came out again, her male companion was already standing at the door hollering: "Stop the train! She has flushed something down the toilet. She is a CIA agent, one must search the tracks to see what she has gotten rid of!" Then the conductor arrived hurriedly at the scene and explained that she sympathized with those present and shared their feelings, but that this (Yelena Bonner) was a passenger, she had a ticket and could not be forced to get off the train.

The passengers then demanded to speak to the person in charge, who, in turn, took Yelena to the service compartment. Passengers from other cars then started an organized pilgrimage to this compartment. They would peek in the door and pour abuse on Yelena. The woman who had earlier turned her face away was told by other passengers to express her indignation. She did so, although previously she obviously did not want to. When things quieted down and people fell asleep, a grey-haired lady came to the service compartment, embraced Yelena and said: "My darling, be strong, they know not what they do. They have been taught to act this way." She embraced Yelena once more and kissed her, and at this point, Yelena was unable to control her tears any longer and cried all the way to Moscow. And she had made the trip although she had still not completely recovered from a previous heart seizure that, I understand, she had suffered during one of her earlier trips by train as a result of being subjected to a humiliating search.

That these people had been directed to board this particular compartment in order to start a row and to provoke the easily directed wrath—that all this was orchestrated is, I believe, clearly obvious.

TOLZ. Natal'ya Viktorovna, you have now described one instance when Yelena witnessed a gesture of sympathy. Tell us, please, was this a unique incident as far as Yelena and Andrei are concerned, or can one cite other similar cases?

HESSE. Of course, one can. I have witnessed some of them myself. The Sakharovs did not tell me about many things, but I've seen myself that people passing by the windows of their apartment would furtively glance around and, having made sure that no one was noticing, would wave at Andrei.

Once we took a taxi because we just wanted to go sightseeing around Gorky, and when Yelena and Andrei left that cab for a moment, the driver quickly asked me whether this was Sakharov. I said yes, it was. "Ah, in this case I'll really make an effort and show all the beautiful places." And he took us around Gorky's ancient churches—some of them in ruins but some of them still holding religious services.

During my next visit (incidentally, this happened to be my last visit; it was alone with Andrei, Yelena was in Moscow at the time), the taxi driver didn't want to take on any passengers because he had completed his shift and was driving in a different direction. Eventually, we managed to talk him into driving us to the nearest taxi stop. Suddenly, in the midst of conversation, he, strangely enough, realized who his passenger was. He said: "I know now who you are. Now I'll drive anywhere you want to." "But this is not on your way," we said. "Doesn't matter, of course I'll do it for such a person." And he drove us wherever we wanted to go. First, we wanted to visit an old half-ruined church that was practically impossible to approach in a car because of the knee-deep mud. But this man would not let us get out of the cab. He said, "Oh, no. I will drive Sakharov anywhere he has to go."

Sometimes these expressions of sympathy assume curious forms. Once I was returning from Gorky and had to share the compartment with two men on a business trip—apparently they were from the Gorky auto factory. They were grown-up, mature persons, very business-like. They talked about their business affairs, but then noticed me and asked where I was from. "From Lenigrad," I said. "Did you stay long in Gorky?" "No," I said, I arrived there this morning." "What, this morning? Then you only spend four hours there?" "Yes." "But what was the purpose of coming for only four hours?" I said that I wanted to visit some friends. "What kind of friends are they to force an elderly woman to come to Gorky on a four-hour visit? Couldn't they go and visit you instead?" I said that they couldn't because they were the Sakharovs.

Their faces turned impassive, and they resumed their business talk as if I wasn't there. After a while one of them said he wanted to go out to smoke a cigarette. Once he had left, the other one turned to me and showered me with questions: "Tell me, how does he live, how is his health? Listen, does he still work? Yes? And we were told that he didn't live in Gorky . . . What, you have seen him? Oh, do I envy you!"

At this moment, his companion returned and he fell silent. They talked among themselves for a while, and then the first one—the one who had talked to me—left the compartment. The second one began asking me the same questions and was full of sympathy. In other words, these are the people who, if told to denounce Sakharov at a meeting, would do it, but they are full of sympathy for him, are interested in him, support him in their hearts . . . They told me so themselves when left alone with me.

TOLZ. Natal'ya Viktorovna, everything you say is very interesting. It is especially interesting because, as you have mentioned earlier, the authorities, prior to unleashing the latest persecution campaign—Yakovlev's campaign, so to say—had been trying to create the impression that Sakharov no longer lives in Gorky. Could you add some details?

HESSE. Yes, of course. The disinformation service, which, I think, is becoming more and more important in Soviet life, now employs, I believe, some pretty intelligent people who understand what kind of disinformation should be fed to the masses. And so, the Gorky disinformation service originated the rumor that the Sakharovs were not living in Gorky anymore. I have met a number of Gorky residents visiting Moscow or Leningrad—sometimes these were acquaintances of my friends, sometimes just incidental encounters—and they swore that they knew what they were talking about; that they had information from, as they put it, dependable sources to the effect that Sakharov and his wife had been transferred to some secret institute—either in Arzamas or beyond Arzamas, or maybe in Ryazan. There are different rumors.

This business of making the Sakharovs "invisible" is monstrous to such an extent that when Liza Alekseeva and I came to Gorky (this was when they had ended their hunger strike and were taken to a hospital for treatment), we could not find them, even hospital employees could not find them, because their names had not been included in the hospital records. However, we insisted on seeing them, claiming that we knew for sure that the Sakharovs were in this particular hospital. Actually, we did not know anything, we had not been told which hospital they were in, and we had come to this one purely intuitively. As a result, the re-

ceptionist made some phone calls and then found the name of Belyaeva on one of the lists, and some other name that we were unable to discern but turned out to stand for Sakharovs. Thus even the hospital personnel had no idea who their patients were, even though the Sakharovs were sharing one and the same hospital room at the time. They were allowed to share one room when they ended their hunger strike. But when it suddenly was decided to unleash the defamation campaign, the authorities claimed that the Sakharovs did not live in Gorky anymore.

TOLZ. Natal'ya Viktorovna, it is known that Yelena Bonner does not stay in Gorky with her husband all the time and that she is obliged to come regularly to Moscow. What is her situation there? What is her general situation now?

HESSE. The conditions at their apartment in Moscow have become quite terrible since Andropov's taking over all the positions and jobs that he assumed. Now, in addition to two policemen posted at the entrance to the apartment itself (and it must be noted that whereas in Gorky they are ordinary policement, in Moscow there are either senior lieutenants or captains on duty at the entrance to the apartment upstairs), there is also a police car with flashing lights guarding the downstairs entrance, and the man in charge has the rank of a major at least.

It is amusing that these policemen are in turn watched over by KGB agents in civilian clothes who make sure that the policemen dutifully carry out their mission. They all have portable radio sets on their shoulders, and they communicate with each other. All visitors are checked against a special list. If a stranger tries to pass through and his name is not on the list, he must show his documents, and if he does not have any, he is simply not allowed in. No foreigners and no journalists are allowed to visit the apartment. The telephone at the Moscow apartment has been disconnected ever since Andrei's illegal exile to Gorky, but whenever Yelena comes to Moscow, they disconnect even the public telephone in the booth downstairs and, in order to call someone, she has to walk almost a kilometer up a very steep hill, which is practically impossible because of her heart condition. All in all, Yelena's health is in a terrible state; she has not yet recovered from the first heart seizure; she takes up to forty nitroglycerine pills; her lips and finger nails are of a dark blue color; and she is terrible to look at.

Now, when she came to Moscow the last time, she wanted to come to Leningrad to see me off, but I went to Moscow myself instead because I learned from friends about her condition, and it was clear that no farewell parties were possible. It was at this time that she suffered her second heart seizure, not having been completely cured after the first one. In general, both of them are denied medical help.

Andrei himself also has been in need of a medical checkup and treatment for a long time, and this was admitted by the physicians from the Academy of Sciences who visited Sakharov in Gorky the one and only time. We had some hope then that things would improve somewhat; but, like all our hopes, this one was also destroyed: Neither she nor he has been admitted to a hospital, although both are critically ill and in dire need of medical treatment.

And they cannot allow themselves to be treated by physicians in Gorky. These physicians displayed their true nature sufficiently during the Sakharovs' hunger strike. Other physicians at the Arsenal Hospital in Leningrad—it's a prison hospital—once proudly said that they are first and foremost "chekists"[2] and physicians only afterwards. Well, those Gorky doctors, not being professional chekists, nevertheless behaved accordingly, and it is therefore impossible to trust them and to be treated by them.

Once Andrei Dmitrievich was forced to go to a doctor because he had a toothache (and in such a case a person is willing to go anywhere), and the head of the dental clinic deceived him: she ordered him to leave his briefcase with his precious documents and manuscripts, and then personally turned the briefcase over to KGB agents. I think this incident is known in the West, but then she denied him medical treatment, claiming that he had insulted her—both as a woman and a citizen. It was naturally very strange to hear such words coming from this particular physician.

As I have already mentioned, Yelena is actually denied medical assistance in Moscow. A young man who recently graduated from a medical institute visits her at home. I've been present during many of her visits. She respectfully and, I would even say, piously listens to advice from Yelena, who is a physician herself. She writes her own prescriptions and decides her own treatment. Nevertheless, she urgently needs hospitalization because her condition is becoming ever more critical and her strength is leaving her—the strength that seemed to be inexhaustible. "Constant dripping of water wears away the stone", as we say in Russia. But in this case there were not drops but heavy blows on the stone and it began to give in. During our last meeting Andrei said: "The first thing to be done, the most important thing, is to force the authorities to allow Yelena to travel abroad for medical treatment. Tell the people you'll meet in the West that her death would be the end of me also. And being an eyewitness to all that has been happening, I can state that she is on the verge of dying, this is the truth."

We must do everything possible. I don't know, maybe the general public must appeal to their respected deputies so that they, in turn, would query their respective parliaments in order to raise this matter at the highest possible level. This is very important, especially now that we'll have a new ruler, a new head of state. He might show his goodwill and prove to the world that the Soviet Union is really ready to be good and not evil.●

[2] Members of Cheka, as the secret police had been formerly called.

JAMES D. DOHERTY

● Mr. TSONGAS. Mr. President, it gives me great pleasure today to announce to my colleagues in the U.S. Senate the appointment of James D. Doherty as president of the Independent Insurance Agents of Massachusetts.

Jim will take the helm of this statewide trade association representing 1,400 independent insurance agencies on June 11, at that organization's 1984 annual meeting in Newport, RI.

For 33 years, Mr. President, Jim has been a leader in the insurance business in the Bay State as treasurer and general manager of the Doherty Insurance Agency, Inc., of Andover, MA. He has also contributed his time and considerable talents to educational, political, religious, and charitable causes. Currently, Jim is chairman of the development committee and a member of the board of trustees of Merrimack College in North Andover. Married to the former Sheila M. Dalton, he is the father of five children.

Jim has been a member of the board of directors of the Independent Insurance Agents since 1979 and has held the positions of vice president and president-elect. It is clear that he has gained the support and respect of his colleagues in the industry and that his tenure as president will be a challenging and fruitful one.

At this time, Mr. President, I hope that you and my Senate colleagues will join me in applauding Jim Doherty for his outstanding contributions to his profession and to the Commonwealth of Massachusetts.●

CORRECTION—NATIONAL COUNCIL ON THE HANDICAPPED

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. WEICKER. Mr. President, on May 18, 1984, the Senate confirmed the nominations of four members of the National Council on the Handicapped. Among those appointments was that of H. Latham Breunig, Ph.D., of Arlington, VA. Mr. Breunig's home State was printed, in error, as being New York.

I ask that Mr. Breunig's correct residence, Arlington, VA, be noted in the CONGRESSIONAL RECORD of today's date.●

DR. TOMAS RIVERA

● Mr. BENTSEN. Mr. President, the recent death of Dr. Tomas Rivera is a great loss to the academic community and the many Texans whose lives he has touched. In his 48 years he had a distinguished career as administrator, educator, and writer of poetry and fiction. As chancellor of the University of California, Riverside, Dr. Rivera became the highest ranking Hispanic university administrator in the Nation and the youngest chancellor in California history.

Dr. Rivera's example of personal growth and unselfish contribution to society is inspiring. He was born and raised in Crystal City, TX, and spent most of his life studying and teaching in Texas universities, including Sam Houston State University, Trinity University, University of Texas in San Antonio, and University of Texas at El Paso. He served on many national councils dedicated to improve educational opportunities, and has been commended widely for his leadership

and achievements in minority education.

Unlike most academicians, Dr. Rivera did not limit his writing to his professional area of concentration. He was a noted contributor of poetry and literary critique, and published two critically acclaimed books, particularly "Y no se lo trago la tierra/ And the Earth Did not Part."

Among his many appointments, Dr. Rivera was named in 1980 by President Carter to the Commission on a National Agenda for the 1980's. Over the course of the past decade he became a well-traveled speaker on the subjects of Chicano education and literature.

While we are sad about the premature death of this distinguished Texan, we are grateful for his contributions to education nationwide and his studies of the problems Texas faces in teaching the Spanish speaking. Dr. Tomas Rivera will be missed by many, particularly his family. On behalf of Mrs. Bentsen and myself, I would like to extend our sympathy to Concepcion, his wife, and to Ileana, Iraseman, and Javier, his children.●

NEED FOR ADDITIONAL HEARINGS ON THE WILKINSON NOMINATION

● Mr. KENNEDY. Mr. President, during the recent congressional recess, two new articles have appeared which raise serious additional questions about the nomination of J. Harvie Wilkinson III to be a judge of the U.S. Court of Appeals for the Fourth Circuit.

The first article, from the Washington Post of May 27, 1984, adds another disturbing and highly questionable incident to the accumulating story of the improper lobbying campaign directed by Wilkinson at the ABA. According to this report, Wilkinson pressured a third year black law student at the University of Virginia Law School to make an urgent call to the black member of the ABA screening committee just before the critical ABA committee vote last fall. If the facts as set out in this article was correct it seems clear that Mr. Wilkinson's action was unethical and violated the proper boundaries of the faculty-student relationship. At the very least, the committee should investigate this incident to determine the full circumstances involved, including whether Wilkinson approached any other students to make similar contacts.

The second article, from the June 1984 issue of Commonwealth magazine, raises serious questions about Wilkinson's impartiality and judicial temperament, based on repeated examples of arbitrary conduct during his year as Deputy Attorney General in the Civil Rights Division of the Department of Justice. These allegations require further investigation by the committee if we are to fulfill our responsibility to the Senate on this nomination. Among the most disturbing of these allegations are the following:

First, Wilkinson's inexperience in legal procedure caused the Department of Justice to miss deadlines in litigation and to be fined by the courts for unwarranted delays in answering pleadings. According to one allegation relating to litigation over the rights of handicapped persons at Baylor Medical Center, Wilkinson did not understand basic pleading and complained that Justice lawyers were harassing defendants by filing interrogatories in the case, when in fact the Department attorneys were merely—but necessarily—responding to interrogatories served by the defendants. An attorney in the Department is quoted in the article as saying:

> It's sort of unheard of for Department attorneys to be fined for not answering interrogatories. The other part of that is that he didn't understand what was going on.

Second, Wilkinson's anticivil rights bias prevented him from objectively dealing with important legal issues before the Civil Rights Division. The article cites two cases from Ohio and Texas involving prisoners' rights in which Wilkinson arbitrarily attempted to force Department attorneys to draw unsubstantiated conclusions in order to deny such rights, regardless of the evidence in the case.

Third, the article refers to "thirty to forty instances" where Wilkinson participated in refusals to enforce civil rights laws in cases involving allegations of discrimination because of race, sex, or handicap. In one egregious case on rights of the handicapped, a Department lawyer was ordered to delete a citation to a controlling Supreme Court precedent in a friend of the court brief the lawyer was drafting.

In light of these new allegations and information, the full Senate should not be asked to vote on Wilkinson until the many questions surrounding this nomination are asked and answered by the Judiciary Committee.

On the issue of prior experience, it is true that a number of law professors with limited trial experience have been appointed to the Federal appellate courts in recent years. But each of them clearly met at least the minimum standards of the ABA on trial experience. There is no comparison betweens Wilkinson's zero experience and the obvious qualifications of other academics who had at least limited—and often substantial—trial experience and who have been approved by the ABA for appellate judgeships.

In fact, if Wilkinson is confirmed, he would become the first judge to take a seat on a circuit court of appeals with no trial experience since those courts were created at the end of the 19th century.

The relevant ABA guidelines on trial experience are as follows, and I ask that they be printed in the RECORD.

The material follows:

EXCERPTS FROM EVALUATION CRITERIA OF THE AMERICAN BAR ASSOCIATION ON APPOINTMENTS TO THE DISTRICT COURTS, THE COURTS OF APPEALS AND THE OTHER LOWER FEDERAL COURTS

* * * * *

As to experience, the Committee believes that ordinarily a prospective appointee to the federal bench should have been admitted to the bar for at least twelve years. Substantial trial experience (as a lawyer or a trial judge) is important for prospective nominees to both the appellate courts and the trial courts. Additional experience which is similar to court trial work—such as appearing before or serving on administrative agencies or arbitration boards, teaching trial advocacy or other clinical law school courses, etc.—is considered in evaluating a prospective nominee's trial experience qualifications. In exceptional cases, when there is significant evidence of distinguished accomplishment in the field of law, an individual with limited trial experience may be found qualified.

In evaluating experience, the Committee recognizes that women and members of certain minority groups have entered the profession in large numbers only in recent years and that their opportunities for advancement in the profession may have been limited.

The Committee believes that political activity and public service are valuable experience, but that such activity and service are not a substitute for significant experience in the practice of law.

* * * * *

Recognizing that an appellate judge deals primarily with records, briefs, appellate advocates and colleagues (in contrast to witnesses, parties, jurors, live testimony and the theater of the courtroom), the Committee may place somewhat less emphasis on the importance of extensive trial experience as a qualification for the appellate courts. This same contrast in day-to-day experience may also cause the Committee to evaluate temperament for the appellate courts in slightly different terms.

Mr. KENNEDY. Mr President, in the case of Prof. Stephen Breyer, for example, who was nominated by President Carter to the First Circuit Court of Appeals in 1980, the nominee so clearly met the experience standard that the issue for the ABA evaluation committee was whether to give Breyer the minimum rating of qualified or to give him the higher rating of well qualified. He received a rating of qualified, but in its letter of approval, the ABA committee informed the Senate:

> As a result of our investigation, a majority of our Committee is of the opinion that Stephen G. Breyer is qualified for this appointment. A substantial minority found him well qualified.

By contrast, in the case of Wilkinson, the initial ABA evaluation found him unqualified. A qualified rating was achieved only after the confidential results of the negative evaluation were leaked to Wilkinson, who then orchestrated an intensive and unprece-

dented lobbying campaign against the members of the ABA committee before they cast their votes. Subsequently, the committee informed the Senate:

A substantial majority of our Committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified.

At the time he was nominated, Breyer had written numerous appellate court briefs; he had presented the oral argument personally in at least one case in a court of appeals; he had interviewed witnesses, questioned potential defendants, and prepared criminal grand jury and trial materials as Assistant Special Prosecutor in the Watergate Special Prosecution Force; he had participated, including testifying as an expert witness, in administrative hearings; he had served as Chief Counsel of the Senate Judiciary Committee and conducted major sets of Senate hearings; he had represented numerous private clients, including a major steel company seeking to merge with a failing steel firm, a chain of supermarkets trying to cut their prices, tenants organizations challenging rent control regulations, and a grocery chain seeking to sell milk; he had prepared briefs and trial materials for the law firms of Wilmer, Cutler & Pickering in Washington; Brown, Rudnick, Freed & Gesmer in Boston; and Cahill, Gordon in New York City; and he had taught courses in the law of evidence and in administrative law at Harvard Law School.

Wilkinson has nothing comparable in his background—no trial court experience, no appellate court experience, no administrative law experience, no associations with law firms, no trial-related courses in his teaching. His experience is zero—and as the article in Commonwealth makes clear, his lack of experience was a continuing series of embarrassments in the year he spent in the Department of Justice attempting to supervise practicing attorneys.

Mr. President, I ask that the letters from the ABA on the qualifications of Breyer and Wilkinson and the articles from the Washington Post and Commonwealth magazine be printed in the RECORD.

The material follows:

AMERICAN BAR ASSOCIATION,
STANDING COMMITTEE ON
FEDERAL JUDICIARY,
Chicago, IL, January 31, 1984.

Re James Harvie Wilkinson III, C.A., Fourth.

Hon. STROM THURMOND,
Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR THURMOND: Thank you for affording this Committee an opportunity to express an opinion pertaining to the nomination of James Harvie Wilkinson for appointment as Judge of the United States Court of Appeals for the Fourth Circuit.

A substantial majority of our Committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified.

With kind regards, I am

Sincerely,

FREDERICK G. BUESSER, Jr.,
Chairman.

AMERICAN BAR ASSOCIATION,
STANDING COMMITTEE ON
FEDERAL JUDICIARY,
Chicago, IL, November 19, 1980.

Re Stephen G. Breyer, U.S. Court of Appeals for the First Circuit.

Hon. EDWARD M. KENNEDY,
Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR KENNEDY: Thank you for your letter affording this Committee an opportunity to express an opinion pertaining to the nomination of Stephen G. Breyer of Cambridge, Massachusetts, for appointment as Judge of the United States Court of Appeals for the First Circuit.

As a result of our investigation, a majority of our Committee is of the opinion that Stephen G. Breyer is qualified for this appointment. A substantial minority found him well qualified.

Sincerely yours,

BROOKSLEY E. LANDAU,
Chairperson.

[From the Washington Post, May 27, 1984]

JUDGE CANDIDATE ENLISTED STUDENT TO LOBBY FOR HIM

(By Philip Smith)

University of Virginia law professor J. Harvie Wilkinson III enlisted a black student to lobby the only black member of an American Bar Association committee last fall on the eve of a confidential ABA vote on Wilkinson's qualifications to become a federal appeals judge.

Melvin (Butch) Hollowell, head of the law school's black student association before his recent graduation, said last week that Wilkinson, a conservative Republican, summoned him to his office and asked him to help by calling the black ABA member, a Michigan attorney.

"Jay told me time was of the essence," Hollowell said in an interview. "He knew the vote was the next day, or maybe that I had a day [to make the call]." Hollowell, who contacted the lawyer, said "Jay told me three days later that it had helped."

Wilkinson last week declined comment. The lawyer, Stuart J. Dunnings Jr., said yesterday that he "did receive such a call from a black student" but could not recall the student's name. Asked if he was influenced by the call, Dunnings said, "My mind was already made up. And nothing changed it." Dunnings declined to elaborate, citing ABA rules on confidentiality.

Allegations of improper lobbying on behalf of Wilkinson's nominaton for a seat on the 4th U.S. Circuit Court of Appeals in Richmond are now the focus of a bitter fight on the floor of the Senate, where the nomination was debated for several hours last week. The Senate defeated 54 to 36 a move to send the nomination back to committee and is generally thought likely to approve it when it comes back up for a vote June 4.

Supreme Court Justice Lewis F. Powell Jr. has acknowledged that he contacted an ABA member in New Orleans to support Wilkinson, a family friend and one of Powell's former law clerks. A former deputy attorney general also said that he and a second senior Justice Department official had contact with ABA panel members on behalf of Wilkinson, who had worked under both men at Justice.

Wilkinson, who was found unqualified by one ABA investigator, but qualified by a second, ultimately was rated qualified by the 14-member ABA panel. The rating is considered crucial for candidates for the federal bench.

Several members of the Republican-controlled Senate Judiciary Committee, including Sen. Edward M. Kennedy (D-Mass.), maintained last week that the Wilkinson episode illustrates that the ABA process, on which the Senate normally relies heavily in confirming judgeship candidates, is neither impartial nor confidential.

Kennedy and others, including three Republican senators, argued in floor speeches that the incident raises questions about whether Wilkinson, who is 39 and has no trial experience, might have been rejected by the ABA without extensive private lobbying.

Republican defenders of the Reagan nominee, notably Sens. Paul S. Trible of Virginia and Judiciary chairman Strom Thurmond, scoffed last week at charges the contacts were improper. Trible said such conversations with ABA screening committee members is "routine."

Senate foes of the nomination also have charged that Wilkinson benefited from inside information, allegedly furnished by the senior officials at Justice, that his candidacy might be in trouble in the ABA committee and that he was improperly kept abreast of the timing of the confidential ABA vote.

Hollowell, who started a new job as an associate at a Detroit law firm last week, said he was asked by Wilkinson last fall whether he "had any familiarity" with the ABA committee member from Michigan. Wilkinson also solicited Hollowell's opinion about how Wilkinson dealt with minority students in his classes.

Hollowell, who said he had "participated pretty vigorously" in Wilkinson's class on constitutional law a year earlier, said he told Wilkinson he regarded him as "fair" to minorities. "Jay said would I mind calling [Dunnings] and telling him that."

Hollowell, who said he saw a piece of paper on Wilkinson's desk with what appeared to be the names of the ABA committee members, said that Wilkinson was eager for him to make the call—"no doubt about it." Asked whether he believed that Wilkinson had targeted some ABA members for lobbying, Hollowell said: "I would say yes."

Hollowell said his conversation with Dunnings lasted about 15 minutes, less than 10 of it on the subject of Wilkinson. "The first thing he said was, 'What's he going to do for black people?'" Hollowell said last week. "He said that regarding blacks and women, [Wilkinson] was not very favorable at Justice, and I said I knew that was a problem."

Wilkinson was a deputy assistant attorney general in the civil rights, division of Justice from 1982 to 1983.

Hollowell said that Dunnings seemed eager to talk to him about Wilkinson, in part because the time to vote was so close. The former student said he told Dunnings that he had found Wilkinson, whom he described last week as "a personable guy, very likable," to be "fair" in his dealings with black students.

"Jay had a very good knowledge of what the [nomination] situation was," Hollowell said. "He knew [the ABA vote] was going to be close, that every vote would count." He

said Wilkinson told him that making the call "would mean a great deal to me."

Although he made the call as a favor to a friend, Hollowell said, he also had "strong disagreements with things Wilkinson did as a deputy assistant attorney general" in the Reagan Justice Department. "I had deep philosophical differences of opinion regarding his judicial politics," he said.

Last fall, after Reagan sent Wilkinson's name to the Hill, Hollowell said Wilkinson approached him again and asked him to testify on his behalf at his Senate confirmation hearings—"to be ready to go." Hollowell said he declined.

When Wilkinson asked him a few days later to reconsider, Hollowell said he refused. "I didn't think it would be in his interest or in my interest," he said. "I could say he was fair in class, but I would also have to say that I disagreed with things he'd done at Justice" regarding minorities.

Hollowell said he saw no conflict of interest in being asked by a faculty member to support his judgeship. Hollowell was not enrolled in Wilkinson's courses at the time, he said. "Pretty much everything was cemented for me, job-wise, by then," he added.

He said that a year earlier, Wilkinson had written a three-paragraph recommendation for him in connection with a possible summer job as an intern in the Office of Atlanta Mayor Andrew Young. The job was offered to him, Hollowell said, but he went elsewhere.

Former assistant attorney general Jonathan Rose, one of the two senior Justice officials who, foes charge, helped in the lobbying for Wilkinson, last week said he did not recall doing so. "Although I wouldn't have been embarrassed" to support Wilkinson, he said.

"This idea that the ABA is some judicial body with whom *ex parte* contacts are inappropriate is a novel concept invented by opponents of Wilkinson," Rose said.

While at Justice, Rose was involved in handling dozens of Reagan administration candidates for the federal bench, all of whom required ABA screening.

"If we thought there were facts favorable to an administration candidate, we tried to get it to [the ABA committee]," Rose said. "Or if they were not favorable. We didn't view the ABA as a separate tribunal."

"We tried to be as protective as we could," he added, "at keeping the committee from getting a lot of super pressure."

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J. HARVIE WILKINSON'S JUDGMENT DAY

(By Lisa M. Antonelli)

He breezes into the University of Virginia Law School at 9:10 a.m., nearly an hour before his first class. An umbrella might make him look more his age, the shy side of 40. Instead, he opts for a baseball cap and a royal blue Windbreaker with yellow and red racing stripes. He shuns professorial tweeds and corduroy in favor of a sleeveless blue and pink cardigan with a ski design over a white shirt and striped tie, and gray pants that hit just above the ankle, U.Va.-style.

Zipping noiselessly down the carpeted corridor, heels first, he turns into his office and swings shut the door, but not in time to muffle a "goddawgit." He might have just missed a phone call from the White House. Or his current favorite baseball team might have just lost a game. Either would be cause for despair, close friends say.

When a person has run as hard and fast as J. Harvie Wilkinson III, one might expect to see some signs of road wear. He has run for Congress, published three books, been a Supreme Court clerk, a newspaper editor, a Justice Department official and three-time professor. But not only does he still look like one of the Hardy Boys, he also shows no signs of slacking the pace.

Since November, he has been embroiled in more than the normal share of headaches that accompany landing a Federal judgeship. He has been accused of using family connections and lobbying to gain the American Bar Association's lowest rating—"qualified"—necessary for appointment to the United States Circuit Court of Appeals for the Fourth District in Richmond. He has been attacked publicly by three prominent members of the United States Senate who declare that his nomination to the Federal bench is evidence of a double standard in judicial appointments.

And while his quest for the judgeship was still mired in confirmation battles in mid-May, friends were quick to note that the Federal bench is likely just another supporting role in Wilkinson's quest for real stardom. In the next script, many believe Wilkinson plans to be playing the role of United States Supreme Court Justice.

Says one confidant: "Jay's a person who has a very clear sense of his long-range goals and a single-mindedness in pursuit of those goals. He's an ambitious and somewhat restless person who gets tired of doing the same thing, so he is regularly motivated to try something else. At the same time, he has a very clear timetable, a very clear sense of what he wants and what he needs to do to get it."

Robert Smith, a former editorial writer under Wilkinson at The Virginian-Pilot, is more succinct: "Jay has tried to position himself for the Supreme Court. He felt that if he were in the right place at the right time, along with his connections to Justice [Lewis F.] Powell, he'd have a good shot at an appointment. By getting on the Fourth Circuit Court of Appeals, he'll have that shot."

At just a hairbreadth over 5-foot-8 and not an ounce over 140 pounds, J. Harvie Wilkinson appears a man who would be easy to dismiss. On the stage where he teaches Federal Courts class, the short and wispy professor seems dwarfed by his larger students. A true Virginia blue blood, he is deferential, self-deprecating about accomplishments and goals. He has the kind of face that new acquaintances are likely to forget in 30 seconds. That fact has served him well.

Notes one close friend: "He's neither charismatic nor intimidating. Part of the reason that Jay is so successful is that people repeatedly underestimate him."

To underestimate the real Jay Wilkinson is to commit serious error. Behind the goshgolly, aw-shucks facade is a man close observers call "calculating." Genuine graciousness is certainly his most striking feature, the kind of gentlemanly charm on which Rhett Butler built a gunrunning business. And on-lookers say that the similarities don't end there, that Wilkinson, like the ambitious Captain Butler, is willing to mash a few toes if they tend to be standing in the way.

"Jay does tend to evaluate people, not only in terms of common interests, but in terms of his own orientation," says one friend. "He's quite subtle about it. He's not a sycophant in any sense of the word, but he's almost instinctively aware of who can help him and who can't."

Those who can't had better mind their toes. Consider the track record:

In 1970, at the age of 25 and while still enrolled in law school, Wilkinson ran for Congress against David E. Satterfield III (D-3rd), a man he had worked to elect just six years earlier. Wilkinson had been persuaded into the Republican camp by former Republican Gov. Linwood Holton, only to be mercilessly crushed by Satterfield in the election.

Following graduation from law school, Wilkinson accepted the invitation of a family friend, Supreme Court Justice Lewis F. Powell Jr., to a spot as a Supreme Court clerk, a position normally reserved for law graduates who have clerked in the lower courts.

In 1978, Wilkinson allegedly parlayed another friendship into the position of editorial page editor for The Virginian-Pilot in Norfolk, a powerful seat that allowed him to remold the paper's moderately liberal editorial philosophy to his own conservative bent. He not only lacked a professional newspaper background, he couldn't even type.

In 1982, while a deputy assistant attorney general in the U.S. Department of Justice, Wilkinson's critics charged that he engineered cases to bolster his conservative world view.

Now that Wilkinson is up for a Federal judgeship, his critics are quick to point out that he's never even practiced law.

Jay Wilkinson does indeed have a penchant for sticking his nose where others think it doesn't belong, of winding up in places where he has no prior experience and where experience is a must 99 times out of 100.

But where experience fails, Wilkinson has the brilliance, the Southern charm and the savvy to pull him through. "I set a great deal of store by intelligence and education," says Robert Mason, his predecessor at The Virginian-Pilot. "Certainly, Jay abounds in both."

Men like Jay Wilkinson, those who are both brilliant and brilliantly successful, gather detractors almost as quickly as they gather new challenges. What irks Wilkinson's critics even more is the fact that he generally performs well under fire. But a Federal court judgeship is not a deanship of a law school. The U.S. Circuit Court of Appeals is just one step removed from the Supreme Court, and it is a place where constitutional law is molded and life-and-death decisions are made. Wilkinson's judicial quest has brought him under a scrutiny that court clerks and newspaper editors rarely feel, and as a potential launching pad for the Supreme Court, the hot seat grows even warmer.

"At this point, only a select number of people [within the Fourth Circuit] are concerned" about his nomination, says Chan Kendrick, executive director of the Virginia chapter of the American Civil Liberties Union. "If he were to be considered for the Supreme Court, [his record] would be of concern across the board, across the country."

Longtime friends like Linwood Holton flatly dispute any contentions that Wilkinson is plotting a path to the Nation's highest court. "Appointment to the Federal bench is a lifetime appointment," Holton says. "Anybody who goes on the Court of Appeals at his age has a chance to be placed on the Supreme Court, but that is a very remote possibility with anybody. There are only nine every generation. In the sense of being a candidate, I can't imagine anybody would go on the Court of Appeals with 'aspi-

rations' for candidacy for the Supreme Court. You're just not candidates for the Supreme Court. That's not the way it's done."

But Jay Wilkinson never backsteps, does not play bit parts and is rarely satisfied with one achievement for very long. If he wins the seat on the Court of Appeals, it probably will not be his final curtain call. Suddenly, it dawns why Professor Wilkinson looks so out of place in his University of Virginia classroom. The stage is too small. Yes, much too small.

The U.S. Department of Justice is a staggering bureaucracy of 4,416 attorneys that both tantalizes with its promise of power and terrifies with the threat of instant anonymity for those haplessly buried by its power maze. Jay Wilkinson was just one more forgettable face when he first appeared at the Justice Department two summers ago. He was on leave from the U. Va. law school, having been named a deputy assistant attorney general in the civil rights division under Assistant Attorney General William Bradford Reynolds. David Vanderhoof, a senior trial attorney in Justice at the time, has trouble recalling his first meeting with Wilkinson: "He made such a small impression on me that when I encountered him again later that same day I didn't know who the hell he was," Vanderhoof says. "He was blah."

He was also Vanderhoof's new boss. The senior attorney and others at Justice would soon come to realize that of the many things they might call Jay Wilkinson, blah would not be one of them.

Though Wilkinson's stay in Justice was relatively brief (he left in August 1983), it was memorable. In fact, several cases that came under Wilkinson's jurisdiction are now legend in the department. They also are the source of complaints that the law became a tool to suit Wilkinson's philosophical preferences and political ambitions.

Says, Timothy Cook, an attorney whose liberal views often clashed with Wilkinson's when the two worked at Justice, "He writes decisions based on how he thinks a case should turn out politically, not on the basis of law."

One afternoon, Cook was in his office busily researching a case that grew out of a dispute over services provided to handicapped patients at Baylor University Medical Center when he received an urgent call to report to Wilkinson's office for a group discussion on the case.

In his hand, Wilkinson waved a fistful of paper, "Why are we doing this?" Cook says Wilkinson demanded of his attorneys. "Why are we serving interrogatories on them? Why are we harassing defendants like this?"

Cook exchanged a disbelieving glance with the other attorneys gathered in Wilkinson's office. Wilkinson had failed to note that he was reviewing his own department's answers to interrogatories filed by the other side.

"He didn't understand that the other side had filed the interrogatories on us, and that we had to answer them," says Cook. "On his qualifications to be a judge? He doesn't understand basic pleadings."

According to Cook, Wilkinson's naiveté resulted in court fines to the department for the delay in answering the interrogatories. "It's sort of unheard of for department attorneys to be fined for not answering interrogatories," says Cook. "The other part of that is that he didn't understand what was going on."

"There were a number of situations where there would be a court deadline imposed and, in effect, it was of no concern to Wilkinson," says Vanderhoof. "I'm not sure what the reasons were. A portion of it may have been inability to manage time.

"It did not carry well with court officials, and the respect that we may have attained in the past by our pleadings or by our motions was somewhat lost as a result."

If Wilkinson's seeming naiveté about court proceedings frustrated some of his Justice colleagues, they were even more nonplused by his particular style of reasoning. More than an attorney, more than a professor, Wilkinson is a philosopher, a theoretician. Theory is his governing inner voice. When life demands an answer, it is the theoretician in Wilkinson that responds. The trouble, his critics say, is that he reasons from the botton up. He doesn't decide what the questions should be until he already has decided the answers.

Wilkinson and Reynolds took the Reagan Administration's anti-Federalist policies into their Justice posts, angering other attorneys, many of whom had been in Justice through less conservative administration, with a blatant reluctance to involve the government in civil rights cases. "These were the same type cases, raised similar issues, in which the Justice Department historically participated in the past," noted Vanderhoof. "Not only did Reynolds and Wilkinson avoid venturing into new areas, they ran backwards, refusing to participate it cases that the Administration normally would've taken."

Stephen A. Whinston, former senior trial attorney now in private practice in Philadelphia, says: "The botton line would always be the most restrictive interpretation possible, one that would afford people that we were supposed to be representing the least rights possible. It was their very philosophical view that the government shouldn't be involved in civil rights enforcement," when in fact, civil rights enforcement was their department's raison d'être, Whinston says.

"It's hard to know who was really the source," Whinston continues. "They took a very specific philosophical viewpoint on various civil rights issues and tailored arguments and briefs to be consistent with that."

Perhaps one of the most notable examples involved the San Antonio, Texas, jail case revolving around the treatment of inmates and jail conditions, including the number of single cells provided.

The county's plans called for housing 30 percent of the jail population in single cells, the minimum requirement under Texas jail standards. Suspecting that a much higher percentage of the San Antonio inmates were high risk and should be in single cells, Justice Department attorneys wanted to request that county officials conduct a professional study to determine a valid percentage. Wilkinson ignored their suggestion, instructing the attorneys to use 55 percent—an arbitrary number—as the department's recommendation. The trial attorneys didn't want to be responsible for defending Wilkinson's figure in court, since it basically had been plucked out of thin air. When such a number is chosen, explains one former Justice Department attorney now employed in the private sector, it usually is based on a piece of solid information—a prior case, an expert opinion, a state statute or a consent decree, which, in this case, stated that only low-risk inmates could be placed in multi-inmate housing. "But Jay pulled that number [55] off the top of his head," the attorney argued, "and the trial attorneys were expected to back it up."

Said another, "It would've been difficult for the Administration to support Wilkinson's fifty-five percent figure."

According to a number of sources employed in the civil rights division at the time, the trial attorneys asked Wilkinson to omit the 55 percent recommendation as being unfounded. Wilkinson refused to bend. Only when the attorneys persuaded Wilkinson's youthful legal assistant, Frank Atkinson, to intervene did Wilkinson back down. No numerical recommendation was offered.

Wilkinson refused to be interviewed, as he has refused all interviews since the confirmation proceeding began for the Federal judgeship. (He had also earlier refused to defend himself criticism at Senate confirmation hearings.)

Atkinson does not deny the incident, but his recollection of it, he says, "is clouded."

In still another case, Stewart v. Rhodes, an Ohio case regarding prison overcrowding, the initial memo prepared by the Justice Department declared the double-ceiling of prisoners in less than 50 square feet unconstitutional.

"The cells in this prison happened to be 48 square feet," recalls Whinston, "so under that initial memo, the prison would have been unconstitutional. But Jay crossed out 'fifty' and penciled in 'forty-five.' By changing it, it was obvious to me that he simply didn't want to argue that the prison was unconstitutional."

It should be noted that the ruling precedent in this case was Rhodes v. Chapman, a Supreme Court decision handed down in 1981, which rejects setting a specific floor-space requirement per inmate. It does however, require that overall prison conditions be considered when determining if prisoners' rights are being violated. But in Stewart v. Rhodes, Ohio officials wanted to know what the Justice Department would consider permissible in terms of space.

Whinston was rankled. "Both numbers—forty-five and fifty—were arbitary," he explains. When viewed in the context of the case, a different picture of the department's stance on prisoner's rights emerges. "The first arbitary designation, 'fifty,' would say that double-celling in that prison was unconstitutional. The second arbitary designation, 'forty-five,' would say that the double-celling was constitutional. Therefore, it is logical to draw the conclusion that his arbitary figure of 'forty-five' was not based on a study of the law. Rather it was what is known as 'result-oriented.' Wilkinson wanted to make a certain argument, and he shaped his reasoning based on the conclusion that he wanted to come to rather than logically reasoning the case and finding out where that reasoning would lead. In other words, he worked from the bottom up."

Although attorneys were unsure in other cases whether the source of restriction was Wilkinson or Reynolds, Wilkinson is severely chastised by colleagues for going to bat for his boss at times when Reynolds clearly appeared to be throwing sticks into the spokes of the wheels of justice.

In one case involving rights for the handicapped, Nelson v. Thornburgh, the department was expected to file a "friend of the court" brief. Reynolds argued that the case could not be reviewed in time to file within the court deadline. Anxious for some statement of views from the department, the court allowed for a late filing. Cook drafted the brief and submitted it to Reynolds.

"It was edited beyond recognition, charges Cook. The most obvious a disturbing dele-

tion was a ruling decision of the Supreme Court.

"It appeared to me that he was once again attempting to throw a case," Cook later stated in a lengthy resignation letter. Dismayed, Cook confronted Wilkinson. "That was Reynolds' order," Cook says Wilkinson responded. "Brad doesn't like that case."

"You mean to tell me that we've left out a decision of the U.S. Supreme Court, never overruled, directly on point, merely because Mr. Reynolds doesn't agree with it?" Cook exploded.

Wilkinson defended his superior, "Brad thinks it's too broad," he replied, according to Cook. "Besides, you're lucky you got what you did. Some people appointed by this Administration don't think Section 504 [of the Civil Rights Act] requires any affirmative obligations at all."

Cook became so disgruntled he resigned from the department, but not before he submitted a letter to Attorney General William French Smith citing what he considered extreme laxness in enforcement—"thirty to forty instances where Reynolds and Wilkinson refused to enforce civil rights laws, mostly relating to the rights of the handicapped, because that was my area," says Cook, now director of the Western Law Center for the Handicapped, located at Loyola University. "But I also spoke to a good number of lawyers in the department and learned that it went on in other areas such as in suits involving sex and race discrimination as well."

Still, Vanderhoof does not believe what he considers "improprieties," such as the changes in the San Antonio jail case, will affect Wilkinson's chances for a Federal judgeship. "In this Administration, if you do well and don't cause much of a problem, you may be considered for judicial appointment," says Vanderhoof.

No one is exactly sure how the name of J. Harvie Wilkinson III made its way to the sanctity of the White House, but it was on the tip of the President's tongue when time came for a Presidential recommendation for the seat on the U.S. Circuit Court of Appeals, Fourth District, which encompasses Virginia, West Virginia, North and South Carolina and Maryland. "He was pleased," notes one observer, "but obviously not surprised."

As much as this meteoric rise surprised some observers, it never surprised Wilkinson or those who watched him grow up. In Richmond, there is a West End, that ever-growing expanse extending toward Goochland and populated by the upwardly mobile, and then there is the West End, a much smaller, exclusive, confined, refined area that lies just north of the James River and includes Windsor Farms and Westmoreland Place, Wilton and the E. Claiborne Robins estate. The elder of two sons of a bank president, Jay Wilkinson grew up on Richmond's most sacred breeding ground, that West End recognized by multigeneration Richmonders.

(Eventually, he married from within the area. Lossie Noell spent her early years in the West End, attending St. Catherine's School before going off to the all-female Mary Baldwin College.)

When Jay and his brother, Lewis, were ready for school, St. Christopher's was the logical choice. Both grew up with a cultivated interest in sports for which Lewis credits his mother. Country clubbers often caught glimpses of Letitia Wilkinson batting balls to her boys on the tennis courts on summer mornings. While Lewis diversified his sports skills, taking up baseball and other sports, Jay bore down and developed a mean game of tennis, playing on school teams through college and serious social games thereafter.

By his sophomore year, Wilkinson had done just about all there was to do at St. Christopher's. As a freshman, his extracurricular activities included Student Council, Honor Council, Missionary Society and president of the Lee Literary Society. Clearly, it was time to move on, so Jay went to board at Lawrenceville School in New Jersey.

In the early 60's, when seeds of revolution were sprouting in Ivy League colleges and large universities alike, the prep school counterparts were as yet untouched. Lawrenceville boys wore coats and ties to class, went to sports in the afternoons and looked forward to the three or four tea dances spaced through the school year.

In boarding school, only the strong survive. When you're small for your age and smarter than most of your classmates, like Wilkinson, it can be a harrowing experience—unless you're extremely charming and an all-around good guy, that is.

At Lawrenceville, Wilkinson emerged as a quiet leader, excelling in tennis and academics, eventually becoming editor of the school newspaper.

"Jay was a great success at school," says Richard Quintal, a New York banker who shared a six-bed suite with Wilkinson for three years in Lawrenceville's Griswold House.

"He was bright, but not a jerk," adds former classmate John H. W. Gefaell of Washington. He was one of the few people I knew who wasn't that way. He was quiet in an outgoing way. Not boisterous and crazy, but bright, easy to get along with."

Wilkinson picked up speed at Yale. Although he claims that his undergraduate grades showed room for improvement, he managed to be elected to Phi Beta Kappa and to graduate magna cum laude.

His senior year, Wilkinson was named one of 14 Scholars of the House, a distinction which carriers with it the latitude to refuse all classes in the fourth year to pursue one avenue of study. Wilkinson's choice was to write a paper on the Byrds and Virginia politics. What was initially completed as a 50-page manuscript entitled "Harry Byrd and the Changing Face of Virginia Politics" was soon published into a 12-chapter documentary and analytical history of state politics spanning the 22 years of the Byrd reign between the mid-40's and mid-60's. By the age of 23, Jay Wilkinson had published his first book. It caught the eye of Linwood Holton, then soon-to-be Governor Holton.

"I looked him up specifically because he sounded like a bright young man who was ready to break out of the Democratic establishment, which I knew he was bound to be with his family background, and into something new, the Republican competitive system of two parties, that I was working on," Holton says. "He sounded from his book like he would be open to new ideas."

When Holton first contacted him, Wilkinson was serving a year in the Army reserves. "As soon as he was out of the service and back in law school, I went up to Charlottesville and had dinner with him," Holton says. That was the start of a long-term friendship.

It was through that friendship that Holton met Jay's father, United Virginia Bank president J. Harvie Wilkinson Jr. As governor, it was Holton's job to appoint the University of Virginia Board of Visitors of which the elder Wilkinson was a member. "I had gotten to know Harvie Junior pretty well," recounts Holton. "I suggested to him that if he did not want to be reappointed to the board that I was going to consider appointing Jay in his place." It was unprecedented to appoint a law student to the Board of Visitors, but Holton did not hesitate: He appointed J. Harvie Wilkinson III.

The governor nurtured the mentor-protégé relationship. Wilkinson was a major draftsman of Holton's 1970 inaugural address, and later that same year, Holton convinced the 25-year-old student to run against Satterfield for the third Congressional seat. Just six year earlier, in 1964, Wilkinson had worked to elect Satterfield, a longtime family friend, and the following summer, Wilkinson was an intern in Satterfield's office.

Now, the Congressman discovered that his intern was opening up a campaign office and digging in to do battle against him. "Clearly, this one is one we're going to write up as a win," a confident Holton was quoted as saying.

"He was a personable young man," Holton said recently. "He obviously had potential in politics. That was certainly evidenced in his book, in his participation in my campaign as an advisor and speechwriter. I felt that with his background in Richmond, he probably could win."

Satterfield claims he was somewhat surprised, "I didn't think he'd be running against me, but you don't think about those things. I did feel like he was being pushed rather rapidly."

Wilkinson was crushed under Satterfield's landslide victory. One political analyst called it "the biggest misstep of Jay's career." Concurs Satterfield, "I thought he had a future in politics. I'm afraid he got pushed faster than he should have been. Who was pushing him? The Governor of Virginia, Linwood Holton."

Perhaps it was the congressional defeat that led Wilkinson to replace his fervor for politics with a fascination and obsession with the Supreme Court. In his final year of law school, he applied for clerk positions with Justices Byron White and Potter Stewart and was invited along with a handful of other applicants to come to Washington for interviews. He was not chosen by either.

Shortly thereafter, President Richard M. Nixon announced on national television that Lewis Powell had been chosen to fill the vacancy left by the death of Justice Hugo Black.

Jay was jubilant. "Lewis Powell!" he wrote in *Serving Justice*, his 1974 book reflecting on his year at the Supreme Court. "The Supreme Court had, I felt, been saved and along with it, I could not help thinking, my chances for clerkship." Justice Powell was confirmed in December 1971.

"'Dear Jay,' his letter to me began," wrote Wilkinson. "'I have ascertained that one of Mr. Justice Black's three clerks will not remain at the Court after the first of the year. Accordingly. . . .' Already, I had begun writing my acceptance."

It appeared that family connections had once again paved the way. Unlike most Supreme Court law clerks, Wilkinson had never clerked at any court. "It's ordinarily a two-step process," notes Larry Hammond, another of Justice Powell's clerks at the time. "Jay came straight to the Supreme Court. He may have been the only person to do that, or maybe there was one other. Basically, he had no experience base of his own to rely upon from having been a law clerk."

But once in position, Wilkinson responded true to form. Says Justice Powell, "Of my forty-five law clerks, Jay was certainly among the best." Notes Hammond: "Even with that very modest handicap [no experience], he did quite a splendid job. Of course, he knew Lewis Powell, and Powell knew him and his family, so he had no difficulty getting to know the Justice or developing a rapport. But one of the things that I most admired Justice Powell for was that he never drew any lines of demarcation among his clerks. He treated all of us as if we were part of his family," even, Hammond recalls, when it came to gently chiding Wilkinson to take home the basketball shoes and running shorts that had stayed a bit too long under his desk.

Hammond says Wilkinson took no liberties or advantages of his personal ties to Powell. "Indeed, there were some cases where I felt the temptation to have Jay involved in looking at a particular question, or trying to decide how it ought to come out, just because I had the mistaken notion that if Jay were persuaded that it was right, then maybe the Justice would be. It never turned out to be true or to make any difference one way or the other."

Wilkinson returned to Charlottesville after the clerkship to begin the first of three professional stints at U.Va.'s law school. He stayed the first time for five years, until 1978 when he took a leave of absence to join the staff of The Virginian-Pilot. If it seemed an odd detour for someone with judicial aspirations, it was a perfect grandstand and one that allowed Wilkinson to hone his conservative philosophies and share them with thousands of daily readers, including periodic railings against forced busing to achieve racial desegregation.

It was yet another foray into the unknown, and it was immediately obvious to those around him that the Pilot was just one more stopover. "He couldn't even type," remarks Smith. Worse yet, he refused to learn.

"It became a cynical joke in the newsroom," says one former editor. "He had no understanding of how a newspaper works. He'd write his piece and go home."

Wilkinson had another habit that sometimes irked co-workers. He would take off in the middle of the day for a jog. "It didn't matter what was happening in the world," recalls former editorial writer Smith.

Perhaps he was using the time to think. In the evenings of that first year at the Pilot, Wilkinson turned his attention back to the court, completing his third book, From Brown to Bakke, focusing on the Supreme Court and school integration from 1954–78.

Not untypically, his entree to the Pilot reportedly was a friend. Attorney John O. Wynne, then on the corporate staff of Landmark Communications, is thought to be responsible for Wilkinson's emergence as an editorial page editor.

"I do not think Jay would have come to the Pilot as editor if not for Wynne," said one former Pilot news executive. "Wynne became his champion. He backed him to [then-publisher] Perry Morgan and [Landmark chairman] Frank Batten."

It was a grand match. Before long, Wilkinson was beating Morgan and Batten in tennis at Princess Anne Country Club. He apparently was also very persuasive off the court. Under Wilkinson's flourish, many of the paper's long-held editorial stands were overthrown. In one such change, its long-standing opposition to the death penalty was reversed. The overall position of the editorial page policy went from moderately liberal to conservative. But such changes, radical as they may seem, are within the domain of the editorial page editor, which Wilkinson was.

Not everyone, Smith included, agreed with the stands suggested by Wilkinson. "All of us editorial writers were expected to express our opinions in a rational, persuasive way," Smith comments. "Having been reporters at some time in our careers, we were trained to analyze things objectively and then to draw conclusions based on where the facts led us. I felt that Jay came at it from a different discipline: partisan politics. I felt that he always couched his opinions in such a way that would protect his political future."

"He showed a lack of compassion in his editorial positions," said his predecessor Robert Mason. "I thought Jay lacked sensitivity about the poor and downtrodden."

But it is Wilkinson's editorials on political influence and experience that add a touch of irony to his quest for the Fourth Circuit judgeship. During Wilkinson's Pilot tenure, an editorial entitled "Choosing Judges on Merit" was published, which criticized the politics involved in the selection of Virginia judges. A later editorial, which Wilkinson either wrote or at least approved, began: "Judges ought to be selected on the basis of merit, not on the basis of political ties."

His most assertive maneuvering came when William Rehnquist was named to the Supreme Court, leaving Rehnquist's job as the Justice Department counsel vacant. "When they were filling all the slots in the Justice Department, Jay picked out the job he wanted," says Smith. "It was the one Rehnquist had held. His theory was that it was a good launching pad for the Supreme Court."

According to Smith, Wilkinson was told that the spot as Assistant Attorney General had been filled. "He came back and told me that they'd offered him two other jobs. He said he'd turned them both down because he wasn't sure that either would be advantageous down the road."

The following summer, 1982, Wilkinson took the deputy's job in Justice. Less than a year later, he was jockeying for the Fourth Circuit seat. He made his desires known "to several people," including Rep. G. William Whitehurst (R-2nd), as early as last summer. In a conversation with the Congressman, he indicated that "he wanted it," says David Bushnell, a Whitehurst aide. "The Congressman informed him that he respected that, but that he was supporting someone else."

Whitehurst's was not the last opposition Wilkinson would face in his court bid. Civil rights groups launched salvos against his candidacy based on Wilkinson's lack of legal experience, saying he was no more qualified to be a judge than some of their own counterparts who had been overlooked. In February, a handful of witnesses argued before the Senate Judiciary Committee that his approval would be unfair when blacks, women and other minorities have been denied Federal court appointments for lack of legal experience.

Their hue and cry was later taken up by three United States senators who tried to block Wilkinson's confirmation. In March, when the committee ended three months of speculation over the confirmation by voting to recommend him, Senator Edward M. Kennedy, D-Mass., protested. "By ramming this through, you're sending a message to millions of women in our society, women with better recommendations and experience than Mr. Wilkinson has. It's a dual standard, my friends," he shouted.

What Senators Kennedy, Joseph R. Biden Jr. (D-Del.) and Howard M. Metzenbaum (D-Ohio) most stridently objected to was the American Bar Association's rating of "qualified." Although the rating is normally awarded to those who have been admitted to the bar for 12 years or more, exceptions have been made. Wilkinson hit the 12-year mark on Feb. 1, three months after his nomination. ABA president Frederick G. Buesser Jr. responded to their protests in a letter pointing out that several candidates have been found qualified with fewer years at the bar than Wilkinson, including two women and one Hispanic male.

More dust was raised when it was revealed that Justice Powell, in what has been described as an unusual move for a sitting justice, had personally contacted an ABA committee member and friend and put in a good word for Wilkinson. Justice Powell denied any wrongdoing. At the ABA's request, he also had written a letter of evaluation to Democratic members of the Senate Judiciary Committee in which he called Wilkinson "an exceptionally gifted legal scholar and a compassionate and thoughtful human being."

There are some who believe that politics has had a role in delaying confirmation, that if Democrats can stall a vote until after the election, there might be a new President, with a different preference. For, while liberals rail against Wilkinson's lack of experience, what really frightens them are his philosophies.

Chan Kendrick, of the American Civil Liberties Union, says his group hasn't taken an official stand. However, notes Kendrick, "If I were among the people opposing his nomination who believe he is bright enough and articulate enough to be appointed to the Supreme Court, I would oppose it now and every step of the way. The record [of opposition] should be built now; the controversy should be created now."

For now, it is still Federal Courts class, not the Federal Court, that is occuping Wilkinson's attention.

To watch Wilkinson here is to see him at home base, the stage he has returned to three times since he first took up teaching in 1973. To watch him here also is to see a bit of the relentless quality, the dogged pursuit that has driven Wilkinson these nearly 40 years.

"He's lively and aggressive," says one third-year student who's glad to be getting out of Wilkinson's class. "He goes after students for their ideas. And if they're unprepared, he lets them know, in front of the class, that they'd better be prepared next time. Other professors don't do that in third year classes."

Federal Courts class has let out for the summer. The auditorium is empty, his students having gone on to permanent jobs. Permanence: It's a value lacking in Jay Wilkinson's life. Perhaps a lifetime appointment to the Federal bench would harness him. Perhaps not. It's a new stage, bigger stage. Another opening, another show.●

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

BANKRUPTCY AMENDMENTS OF 1984

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, H.R. 5174, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5174) to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Thurmond Amendment No. 3083, in the nature of a substitute.

(2) Packwood Amendment No. 3112, relating to collective-bargaining agreements.

Mr. BAKER. Mr. President, I will repeat the statement I made earlier today shortly after the Senate opened. I anticipate that there will be a quorum call around 3 or 3:30 this afternoon and I fully expect that to be live. There will be a rollcall vote in connection with that quorum.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, as we return to H.R. 5174, I would like to remind my colleagues of the importance of the improvements in the Bankruptcy Code contained in this bill. Many of the provisions of this bill have been the subject of fair and detailed hearings over several congressional sessions. They have been approved nearly unanimously by this body in the past.

Title I of H.R. 5174 corrects a flaw in the jurisdiction of the bankruptcy courts discerned by the Supreme Court in the case of *Northern Pipeline* v. *Marathon* (102 S. Crt. 2858 (1982)). The Supreme Court clarified that these article I bankruptcy courts could not exercise jurisdiction over cases reserved by the Constitution to the resolution of judges appointed for life in the absence of the consent of both parties. If this jurisdictional flaw is not legislatively corrected, the interim authority of bankruptcy courts to decide cases will expire, leaving all bankruptcy cases to resolution by the currently overburdened district courts. Bankruptcy cases, which often require timely decision to revive the struggling petitioner or to preserve the resources of the creditors, will fall to the end of crowded district court dockets.

Title III of this bill contains other valuable improvements in the Bankruptcy Code. These consumer credit bankruptcy procedures reform the lenient standards currently applied to the detriment of creditors and financially distressed individuals alike. In addition, title III would make improvements in the Code to accommodate grain elevators, shopping centers, and other enterprises which confront unique bankruptcy dilemmas.

At present, however, these reforms are being held hostage to an effort to overturn an eminently reasonable Supreme Court decision. In the case of NLRB against Bildisco & Bildisco, decided on February 22 of this year, the Supreme Court upheld the judicial policy in effect in every circuit in this country, save one, regarding the rejection of collective bargaining agreements by a business striving to reorganize under chapter 11. This pervasive judicial standard permitted rejection of labor contracts if "careful scrutiny" reveals that the "equities balance in favor of rejection." Only the second circuit had a different rule. This second circuit rule developed in the REA Express case was found to be "fundamentally at odds" with the objectives of reorganization by a unanimous Supreme Court. I would note, however, that the second circuit's REA Express case allowed the distressed business to unilaterally reject the labor contract pending a final court determination of the validity of the rejection action.

The amendment before the Senate today—which impedes the progress of these important bankruptcy reforms—would not only reverse a unanimous Supreme Court decision and the prior policy in every circuit save one, it would create a standard for rejection of labor contracts even more fundamentally at odds with chapter 11 than the REA Express rule. The National Bankruptcy Conference, a voluntary association of bankruptcy experts without any biases on labor law, assessed the pending amendment as "far more onerous than" REA Express. NBC further characterized the pending amendment as "inimical to orderly bankruptcy administration."

Rather than tinker at this point in the legislative process with the unanimous Supreme Court ruling regarding rejection of labor contracts, I would propose again that the Senate approve the many other important reforms in this package and leave this labor contract issue to the conference reconciliation process. My contact with colleagues in the House confirms that they, too, are anxious to deal with this labor issue in the conference. The Senate, accordingly, should avoid further delay in this process by approving those portions of the bill which have been approved by this body earlier. We should not continue to debate an issue that jeopardizes the future of the entire bankruptcy system.

I think we should move ahead, and this is a reasonable approach toward moving ahead.

The distinguished Senator from Kansas has made many good points with regard to the approach he has suggested. I endorse and concur with that particular approach.

I believe we would be able to resolve this problem in a conference between the House and Senate. But I think that is probably the only way we will resolve it. I hope that those who are supporting this amendment will consider that.

Let us see where we can go from there because the bankruptcy system in this country needs, I think, better treatment than we have been giving it on the floor of either House of Congress thus far.

AMENDMENT NO. 3112

Mr. PACKWOOD. Mr. President, as my remarks prior to the recess indicated, the pending amendment is designed to clarify the circumstances under which collective bargaining agreements may be rejected in cases under chapter 11 bankruptcy reorganization.

This issue concerns a conflict between the bankruptcy law and labor law. The purpose of this amendment is to resolve that conflict fairly to all concerned.

The purpose of the bankruptcy law is to provide flexibility and fairness necessary to give a debtor a second chance. Chapter 11 of the Bankruptcy Code permits financially distressed businesses to reorganize under court protection to avoid going into liquidation.

Labor law, on the other hand, is designed to encourage labor and management to work together to create and enforce collective bargaining agreements. The unilateral rejection of collective bargaining agreements allowed under the bankruptcy law goes against these traditional labor/management relationships.

Recently, the Supreme Court in the Bildisco decision, ruled on this issue. In its decision, the Supreme Court attempted to resolve the conflict between bankruptcy and labor statutes. The amendment I am offering changes the statutes to provide a fairer result.

This amendment will restore stability to the collective bargaining process and fairness to our bankruptcy laws by providing a reasonable standard for determining whether an employer should be allowed to reject a collective bargaining agreement.

31-059 O-87-15 (Pt. 11)

Upon review, I am sure my colleagues will find this amendment a fair, reasonable, and, in fact, desirable approach to resolving the controversy over the rejection of collective bargaining agreements in bankruptcy.

Below, I have briefly summarized the key provisions of this amendment.

Under the amendment, an employer cannot unilaterally reject or alter a collective bargaining agreement. An employer must first request and receive court approval to reject or alter such an agreement. The courts would be required to consider the employer's request in an expeditious manner based on certain guidelines.

The amendment requires an employer seeking rejection of a labor agreement to make a proposal to the authorized representative of the employees covered by the agreement which provides for the "minimum modifications" in the employees' benefits and protections that are necessary to enable the employer to reorganize. In formulating its proposal, the employer must take into account the estimated contributions of all classes of creditors and other affected parties that will be produced by the debtor's best efforts to secure such contributions. If the employer and the union cannot reach agreement, the court can then authorize rejection based on a finding that the authorized representative's refusal to accept the employer's proposal was unjustified and that the balance of the equities clearly favors rejection.

This amendment assures that employers and unions will negotiate in good faith to find the best way to a successful reorganization that, as far as possible, preserves the business itself, the employees' jobs, and their rights and benefits as agreed to by their employer and their bargaining representatives through their collective bargaining agreement. The amendment gives collective bargaining a chance to work and provides that if the employer does make a fair proposal and the union does not give the proposal fair consideration, then the agreement may be rejected. On the other hand, if the employer does not make a fair proposal, he will not be able to secure rejection. This amendment gives both sides an incentive to settle their disagreements by themselves.

Finally, the amendment provides a neutral enactment date. This amendment would become effective upon date of enactment.

Mr. President, I believe this amendment is fair to both sides on this issue. I urge my colleagues to adopt it.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABDNOR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

CALL OF THE ROLL

Mr. BAKER. Mr. President, I hope no Senator will misunderstand this, but it is time now to establish the presence of a quorum and ascertain who is here. As I indicated earlier today, it was my intention to suggest the absence of a quorum with the intention that it would be live. I now suggest the absence of a quorum and this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum Call No. 4 Leg.]

Baker	Hecht

The PRESIDING OFFICER. A quorum is not present.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from New York (Mr. D'AMATO), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. EAST), the Senator from Washington (Mr. EVANS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Iowa (Mr. JEPSEN), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wisconsin (Mr. KASTEN), the Senator from Indiana (Mr. QUAYLE), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Wyoming (Mr. WALLOP), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Nebraska (Mr. EXON), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. NUNN), the Senator from Rhode Island (Mr. PELL), the Senator from Arkansas (Mr. PRYOR), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Maryland (Mr. SARBANES), are necessarily absent.

The PRESIDING OFFICER (Mr. DANFORTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 2, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—61

Abdnor	Gorton	Murkowski
Andrews	Grassley	Nickles
Baker	Hatch	Packwood
Bentsen	Hatfield	Percy
Boren	Hawkins	Pressler
Boschwitz	Hecht	Riegle
Burdick	Heinz	Roth
Byrd	Helms	Rudman
Chafee	Hollings	Sasser
Chiles	Inouye	Simpson
Cranston	Johnston	Specter
Danforth	Laxalt	Stafford
Denton	Levin	Stennis
Dixon	Lugar	Symms
Dodd	Mathias	Tower
Domenici	Matsunaga	Trible
Durenberger	Mattingly	Tsongas
Eagleton	McClure	Wilson
Ford	Melcher	Zorinsky
Garn	Metzenbaum	
Glenn	Mitchell	

NAYS—2

Goldwater	Proxmire

NOT VOTING—37

Armstrong	Exon	Nunn
Baucus	Hart	Pell
Biden	Heflin	Pryor
Bingaman	Huddleston	Quayle
Bradley	Humphrey	Randolph
Bumpers	Jepsen	Sarbanes
Cochran	Kassebaum	Stevens
Cohen	Kasten	Thurmond
D'Amato	Kennedy	Wallop
DeConcini	Lautenberg	Warner
Dole	Leahy	Weicker
East	Long	
Evans	Moynihan	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

SCHEDULE FOR TUESDAY

Mr. TOWER. Mr. President, inasmuch as the leadership would be desirous of doing other business this afternoon, it appears that the situation is such with absent Members, and other circumstances, that it would not be possible to do much in a constructive way for the remainder of today.

It is the intention of the leadership to adjourn the Senate very shortly until 11 a.m. tomorrow with the usual "boiler plate" language in place. The purpose of the adjournment is to fulfill the one legislative day requirement with respect to the DOD authorization bill.

It will be the intention of the leadership to turn to the Department of Defense Authorization Act 1985, Calendar No. 944, S. 2723, shortly after the Senate reconvenes at the conclusion of the two parties caucuses.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. TOWER. Therefore, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Tuesday, June 5, 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TOWER. Mr. President, I ask unanimous consent that when the Senate convenes on Tuesday, June 5, 1984, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE), for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, is the acting majority leader talking about adjournment? Is that what we are talking about?

Mr. TOWER. That is correct.

Mr. METZENBAUM. Mr. President, the purpose would be so that we could take up the DOD bill?

Mr. TOWER. Mr. President, that would be for fulfillment of the 1-day rule; to take up the DOD authorization bill.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the request of the Senator from Texas? Without objection, it is so ordered.

The Senator from Texas is recognized.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. TOWER. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

Thereupon, at 3:27 p.m., the Senate adjourned until tomorrow, Tuesday, June 5, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate May 25, 1984, under authority of the order of the Senate of May 24, 1984:

THE JUDICIARY

Dominick L. DiCarlo, of New York, to be a judge of the U.S. Court of International Trade vice Bernard Newman, retired.

Peter K. Leisure, of New York, to be U.S. district judge for the southern district of New York vice Milton Pollack, retired.

Franklin S. Billings, Jr., of Vermont, to be U.S. district judge for the district of Vermont vice James S. Holden, retired.

DEPARTMENT OF JUSTICE

Layn R. Phillips, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years, vice Francis Anthony Keating II, resigned.

Executive nominations received by the Secretary of the Senate May 30, 1984, under authority of the order of the Senate of May 24, 1984:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Thomas H. Etzold, of Rhode Island, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice James L. George, resigned.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. James W. Stansberry, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Melvin F. Chubb, Jr., [redacted], FR, U.S. Air Force.

IN THE NAVY

The following-named lieutenant commanders of the staff corps of the Navy for promotion to the permanent grade of commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Adams, Michael L.
Allred, Thomas J.
Almeida, John L., Jr.
Alona, Bienvenido R., Jr.
Anthony, Marion D.
Avalos, Jack Candido
Ayers, Warren V.
Bean, Terrell W.
Bohman, Harold R.
Bott, Jay Cordell
Brawley, Robert L.
Bray, Patrick G.
Brown, Mark Vincent
Buck Janet Harriet
Buckley, Robert Leslie
Burdick, Richard L.
Burkey, Thomas Michael
Bush, Richard G.
Calderon, Jose F.
Caldwell, Robert L.
Carambas, Clarita Rubic
Castleberry, Gordon M.
Chernow, Bart
Colby, Steven David
Cole, Richard L., Jr.
Cook, Stephen Standish
Cunnion, Stephen Owen
Daniell, Fredric D., Jr.
Datu, Jesus Angeles
Davis, Glenn M.
Dembert, Mark L.
Desrosiers, Paul M.
Diaz, Alberto, Jr.
Dons, Robert Frederick
Doyle, Edward Jerome, Jr.
Dubbs, William Franklin
Dufour, David Robert
Durham, Ralsa Fuller
Duvalarnould, Bertrand
Edwards, Charles L.
Eisold, John F.
Elleson, Dale A.
Evans, Robert M.
Farrell, George Joseph
Fine, Ronald
Fraker, Robert T.
Galentine, Paul Guy III
Gibson, Donald Lee
Gilmore, Dennis Marvin
Governski, David A.
Henderson, Harry M. III
Heroman, William M.
Herr, Harlan G.
Herzog, Thomas Harry
Ho, Ju Chang
Johnson, James Avery, Jr.
Johnson, Larry Hugh
Johnson, Richard B., Jr.
Jones, Martin W.
Kerrigan, Kevin R.
Kester, Ronald Adetayo
Kiethanom, Mungkorn
Kivett, Gerald J.
Kleine, Michael L.
Kneeland, John Fogg, Jr.
Kuehl, Gary V
Lanard, Bruce James
Lanard, Margaret Smith
Legaspi, Jane Peralta
Little, Michael Jackson
Long, Kenneth William
Long, Ronald J.
Lonon, William D., Jr.
Lubber, Phillip Reid
Mahoney, Michael D.
Mangalincan, Ernesio G.
Massa, Emilio
Maxwell, James Houston
McCane, David Michael
McPhate, Dennis C.
Meriwether, Michael W.
Metildi, Leonard A.
Michenfelder, Hans J.
Miller, Jeffrey E.
Miller, Larry K.
Montgomery, Thomas R.
Morgan, Candice Ann
Moriarty, Richard Paul
Navarro, Felix Angel, Jr.
Navarfo, Francisco R., Jr.

Norris, Michael Stephen
North, Robert B., Jr.
Norvell, Samuel S., Jr.
Osborne, Richard G.
Panagakos, Jean
Petruzzo, Robert T., Jr.
Phillips, Richard B.
Pick, Robert Allan
Potter, Bonnie Burnha
Pratt, Randall N., Jr.
Pratt, Steven George
Puder, Robert David
Quiles, Benjamin
Ranbarger, Kim Robert
Reichley, Stephen C.
Rodriguez, Wilfredo
Rorick, Jay Thompson, Jr.
Ryan, Mark
Sainten, Carl B.
Scharff, Norbert Daniel
Schuler, Michael A.
Seaquist, Mark B.
Shaw, Spencer W.
Sheffield, Roger R.
Shields, Robert J., III
Singleton, Michael R.
Skye, Dorothy Virginia
Smith, Richard G.
Stelmach, Suzanne E.
Stevenson, Craig D.
Strosahl, Kurt F.
Sustarsic, David L.
Taylor, John Kenyon
Thomas, John Richard
Wagner, Charles John
Walsh, Michael F.
Ward, Christopher H.
Wignall, Frank S.
Wilberg, Carl W.
Wilker, John Fredric
Williams, Larry Scott
Wilson, James Woodrow
Wilson, Michael Shannon
Wurzeacher, Terrie
Yacavone, David William
Yowell, Steven K.

SUPPLY CORPS (31XX)

Appleby, Michael Ralph
Argento, Terry James
Barnes, Jerry D.
Bennett, Bruce Robert
Bianco, Barron Bruce
Bohannon, Donald Clyde
Branaman, Larry Gene
Burton, Robert Norman, Jr.
Camp, Robert Thomas
Carpenter, Levon Henry
Chambers, Thomas Ralph
Chitty, Frederick Cole
Clark, James Matthew
Colvin, Bruce Arnold
Compton, David Dean
Cornelison, Gary Alan
Crandall, Stephen Gary
Croll, John Michael
Cunningham, Victor E.
Daniels, David Longsworth
Dase, James Robert
Davis, Peter McCoy
Ensminger, David Scott
Faubell, Paul David
Featherstone, Harry Lee, Jr.
Flohr, Larry Eugene
Gandola, Kenneth Davidson
Ginham, Richard Taylor
Grant, Charles Wayne
Griggs, William Clifton
Griswold, Raymond Bruce
Guerard, Franklin Palmer
Gunter, Wallace Eugene, Jr.
Gustafson, Robert Andrew
Hanson, Ryan Lewis
Hayes, John Robert, Jr.
Hinkel, Shelby, Jr.
Jackson, William Andrew
Jenkins, Gwilym Howard, Jr.
Johnson, William Earl
Johnson, Terrence Bateman
Jones, Samuel Lynn
Kelly, Daniel Charles
Kesselring, Steven Dale
Manley, Stewart Lee
McCray, James Elburn, II
McKenzie, Donald Richard, Jr.
Merrell, Thomas Orin
Merritt, Karl William
Mitchell, Kent Ryan
Mitchell, Lonsdale Clifford
Moffitt, Michael Allan
Nyland, Stephen Carel
Pathwickpaszyc, John Conrad
Perkins, Charles Alan
Peterson, Carl Raymond, Jr.
Pitkin, Richard Cochran
Robertson, James Miller, III
Rodenbarger, Syd W.
Rorex, Thomas Arthur
Rossi, Philip Roger
Roundtree, Ronald Terrance
Royer, Frank Edward
Sauer, George Emery, III
Schmidt, William George
Schneider, Jeffery William
Schreiber, Thomas Joseph
Smith, James Lewis
Stanger, Thomas Joseph
Steigelman, Anthony Edward
Stewart, Edmund H., Jr.
Stone, Daniel Herman
Sule, Michael Francis
Sweney, Robert Lee
Taylor, Charles Floyd, Jr.
Thorpe, Grant William
Todd, Dale Edward
Vinson, Charles Mays
Vogelsang, James Edwin
Walters, James Stephen
Weidenmann, James Lee
Welch, Benjamin Harrison, III
Wenslaff, William Arthur
Weyrick, Philip Frederick
White, Chalres Elbridge
Wood, Robert Harding, II
Woods, Willie Edward
Zehner, Dale J.

CHAPLAIN CORPS (41XX)

Brogan, Leo Thomas
Burnett, Ivan Blackwell, Jr.
Cluff, Merlin Henry
Dieckhaus, Anthony William
Duncan, Charles R.
Fitch, William B.
Fryer, Patrick L.
Garrett, Thomas Clayton
Giuntoli, Thomas Gino
Hines, Joseph W.
Jensen, Steven L.
McCranie, Glenn H.
Murphy, Kenneth J.
Palmer, Harold D.
Paul, George C.
Pokladowski, Gregory s.
Powell, Glenn Eugene
Salas, Jose Felix, Jr.
Williams, Robert Harry

CIVIL ENGINEER CORPS (51XX)

Beattie, Steven Richard
Brandenburg, Tim Robert
Broaddus, James Anthony
Bromilow, Neil Frank
Bussey, Dennis Raymond
Cahill, Patrick Joseph
Carpenter, Ronald Gary
Clements, Frederick Roger
Ealy, James Edward, Sr.
Hadbavny, Michael Thomas
Haydon, Donald MacPherson, Jr.
Huguelet, Thomas Lee
Johnson, Michael Ray
Katz, Alan William
Morrison, William James
Pylant, Linward Ray
Schneider, Charles Harry
Sebunia, Joseph Peter
Shepard, David Bruce
Shepard, Scott Holman
Spore, James Sutherland, III
Stpeter, Harold Bruce
Sullivan, John James, Jr.
Talmadge, Charles Eugene
Thompson, Stephen Ray
Venable, Joseph Brown
Walsh, David Frank
Williams, James Randolph

JUDGE ADVOCATE GENERAL'S CORPS

Barnett, Eric J.
Bozeman, William Steven
Guter, Donald J.
Hewson, William Charles
Hutson, John Dudley
Kelly, David Lee
Kusiak, Patrick John
McClain, Tim Scott
McKenna, Lawrence Franc
Osborne, Thomas William
Pinkelmann, Eugene Maur
Principi, Elizabeth A.
Randall, Thomas Edward
Reynolds, Albert Alle J.
Rose, Stephen Anthony
Roti, Scott Lewis
Smith, Harmon B.
Stewart, Richard Gant J.
Williams, Jeffry Alan
Wurzel, David Lawrence

DENTAL CORPS

Albright, Robert Louis
Basehoar, Douglas A.
Carney, James R.
Currier, James Larry
Davis, Stephen Garrett
Dollard, Wayne Joseph
Elvers, Ronald D.
English, John Greer, III
Froistad, Larry A.
Hickey, Martin D.
Hickson, Harry T.
Hoffman, Barry B.
Keeney, Bradford L.
Latham, Peter M.
Miller, Richard Charles
Milnichuk, Walter M.
Pankey, Eugene R.
Prendergast, Richard O.
Reavis, Ralph M.
Root, Douglas Alan
Sandifer, Johnny B.
Starck, Thomas F.
Tercha, David Peter
Weisner, John Turner, Jr.
Wiernik, Richard Nassau
Wolff, Arthur

MEDICAL SERVICE CORPS

Agent, Selwyn Keith
Baker, Gerald Clayton
Blome, Michael Albert
Broadhurst, Ronald Wayn
Brown, George Russell
Brunza, John Jay
Bryan, Clark Lee
Crane, James Arthur
Crigler, Patricia Wooda
Dawson, Richard Lee
Depolo, Dominick, Jr.
Dodge, Benjamin Fowler
Eckstein, Michael David
Elster, Robert Eric
Ferda, Robert
Finke, Ronnie Lee

Fogelsonger, Jack Leona
Gibson, Kenneth Dwight
Glogower, Frederick D.
Hand, Brian Chandler
Henrich, William Roger
Hermann, Dean Alfred
Hora, Charles Donald
Hughes, Roger Dale
Hummel, James Robert
Jamison, Hubert Milton
Jemionek, John Felix
Knee, Dale Otis
Lamar, Steven Richard
Malone, John Joseph
Marolf, Walter Keithley
Montgomery, John Edward
Morton, David Earl
Nelson, Ronald Carl
Oals, Wendell Marion, Jr.
Otterman, Glenn Ewing J.
Owens, Jerry Mack
Ridgeway, Robert Kirk
Roach, William Lawrence
Saleker, Albert Dale
Sciarrini, Dominic Euge
Sengbusch, Craig Howard
Speir, Herbert Allison
Spillane, Dennis
Upton, Billy Gene
Vonminden, David L.
Wood, Arthur Bob
Yacovissi, Robert

NURSE CORPS

Beeby, Barbara Jean
Bingham, Marilyn Kay
Bohn, James David
Caffrey, John Francis
Carlton, Carolyn Zak
Chick, Carole Louise
Cornell, Mary E.
Devney, Anne Marie
Emanuel, Ann Marie
Fay, Doris Annie
Ferguson, Raymond Austi
Gardner, Mary Anne
Gray, Pamela
Guy, Bruce David
Hayes, Linda Ann
Houser, Mary Louise
Lahren, Kathy Sue
Law, Easty Ann
Lefort, David Michael
Lockerby, Maritha Ophel
Marsh, Sharon Jane
McBurney, Richard Ellwo
McMillin, John Marshall
McPherson, Robert Carte
Moore, Louise Fontaine
Parrotte, David Frank
Perry, Eleanor Elsie
Poland, Edith Aletta
Probst, Louise Gale Ahr
Ramsey, Barbara Lynn
Robson, John Edward
Rollenhagen, Judith Mur
Rossi, Maria Victoria
Savige, Elaine Charlott
Thorr, Faye Ann
Vickers, Joyce Marilyn

LIMITED DUTY OFFICER (SUPPLY) (651X)

Flahiff, Daniel Edward
Pearrell, Larry William
Ritzel, Charles James
Siegel, Allen Ray

LIMITED DUTY OFFICER (CIVIL ENGINEER CORPS) (643X)

Herning, Robert Eugene

Executive nominations received by the Secretary of the Senate May 31, 1984, under authority of the order of the Senate of May 24, 1984:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Frances Todd Stewart, of Pennsylvania, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1986, vice Donald Eugene Santarelli, term expired.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Dodie Truman Livingston, of California, to be Chief of the Children's Bureau, Department of Health and Human Services, vice Clarence Eugene Hodges.

Executive nominations received by the Senate June 4, 1984:

DEPARTMENT OF STATE

Owen W. Roberts, of New Jersey, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

THE JUDICIARY

Robert M. Hill, of Texas, to be U.S. circuit judge for the fifth circuit vice John R. Brown, retired.

DEPARTMENT OF JUSTICE

John D. Tinder, of Indiana, to be U.S. attorney for the southern district of Indiana for a term of 4 years vice Sarah Evans Barker, resigned.

FEDERAL RESERVE SYSTEM

Martha R. Seger, of Michigan, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1984, vice Nancy Hays Teeters, term expired.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. George D. Miller, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. William J. Campbell, [redacted] U.S. Air Force.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Gordon R. Nagler, [redacted] U.S. Navy.

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

ARMY

To be colonel

Abate, Claude W., [redacted]
Adams, John A., [redacted]
Ahrens, Alfred J., [redacted]
Akers, Frank H., [redacted]
Albertella, Raymond, [redacted]
Alger, John I., [redacted]
Allred, James R., [redacted]
Amato, James D., [redacted]
Anderschat, Richard, [redacted]
Anderson, Edward, [redacted]
Anderson, Randall J., [redacted]
Andrean, Charles M., [redacted]
Andrews, Edward L., [redacted]
Angle, Thomas L., [redacted]
Annan, William M., [redacted]
Armistead, Joseph D., [redacted]
Arnold, Joseph C., [redacted]
Asmuth, George W., [redacted]
Atcheson, Donald W., [redacted]
Aux, George W., [redacted]
Bacheldor, Ned W., [redacted]
Baker, Robert F., [redacted]
Ballantyne, Nathaniel, [redacted]
Barber, Duane D., [redacted]
Barron, Max R., [redacted]
Bashore, John F., [redacted]
Battaglioli, Victor, [redacted]
Beach, Karl L., [redacted]
Beasley, Louis J., [redacted]
Becker, James W., [redacted]
Beddingfield, Robert, [redacted]
Bell, Charles L., [redacted]
Benton, David L., [redacted]
Berggren, Tommy H., [redacted]
Bergman, David M., [redacted]
Bidwell, Robert L., [redacted]
Bigelow, James E., [redacted]
Bills, Ray W., [redacted]
Bircher, John E., [redacted]
Bither, Rodney D., [redacted]
Bixler, Louis R., [redacted]
Black, Gorham L., [redacted]
Bliss, Stephen M., [redacted]
Blodgett, David S., [redacted]
Blouin, James O., [redacted]
Bluhm, Raymond K., [redacted]
Boening, Suzanne S., [redacted]
Bolen, William S., [redacted]
Bolt, William J., [redacted]
Boterweg, Conrad, II, [redacted]
Boukalis, Peter C., [redacted]
Bouldin, James R., [redacted]
Bouton, David A., [redacted]
Braden, John W., [redacted]
Brandon, Ramey J., [redacted]
Brickman, James F., [redacted]
Brierly, William F., [redacted]
Brinkley, William A., [redacted]
Broadie, Samuel F., [redacted]
Brodie, Craig E., [redacted]
Brown, Charles Q., [redacted]
Brown, Edward M., [redacted]
Brown, James F., [redacted]
Brown, Lloyd K., [redacted]
Brown, Robert D., [redacted]
Brown, Robert E., [redacted]
Brown, Thomas M., [redacted]
Brown, William C., [redacted]
Bryan, Edward R., [redacted]
Bryant, Thomas, [redacted]
Bryant, Wilbert, [redacted]
Brynildsen, Gordon, [redacted]
Bullard, Charles N., [redacted]
Burdett, John C., [redacted]
Butlak, Jan M., [redacted]
Butts, Melvin A., [redacted]
Byerley, Byron E., [redacted]
Byrkit, Richard D., [redacted]
Caggins, Myles B., [redacted]
Camia, Dante A., [redacted]
Campbell, Delwin M., [redacted]
Campbell, Jerry C., [redacted]
Carlson, Albert E., [redacted]
Carlton, Charles A., [redacted]
Carothers, Joe D., [redacted]
Carpenter, George A., [redacted]
Carr, Peter H., [redacted]
Carter, James R., [redacted]
Cartland, John C., [redacted]
Cawley, Thomas J., [redacted]
Chadbourne, William, [redacted]
Chapman, James H., [redacted]
Chappell, Isaac H., [redacted]
Charlton, Darrel T., [redacted]

Chase, Michael T., xxx-xx-xxxx
Chastain, William M., xxx-xx-xxxx
Chesarek, William D., xxx-xx-xxxx
Childers, Charles K., xxx-xx-xxxx
Christian, Stephen, xxx-xx-xxxx
Church, Douglas R., xxx-xx-xxxx
Cobb, Tyrus W., xxx-xx-xxxx
Coe, Gary Q., xxx-xx-xxxx
Cohut, Victor J., xxx-xx-xxxx
Collins, David R., xxx-xx-xxxx
Colliton, Jeffry D., xxx-xx-xxxx
Collum, Charles E., xxx-xx-xxxx
Coniglio, James V., xxx-xx-xxxx
Conner, Leroy E., xxx-xx-xxxx
Conner, Vernon L., xxx-xx-xxxx
Connor, Michael J., xxx-xx-xxxx
Coonfield, Derrill, xxx-xx-xxxx
Coonradt, Leo J., xxx-xx-xxxx
Cope, John A., xxx-xx-xxxx
Copes, Ronald A., xxx-xx-xxxx
Cornell, Allen C., xxx-xx-xxxx
Corrigan, Robert E., xxx-xx-xxxx
Corson, John R., xxx-xx-xxxx
Cotner, Jimmy W., xxx-xx-xxxx
Coughlin, James M., xxx-xx-xxxx
Cowings, John S., xxx-xx-xxxx
Cox, James R., xxx-xx-xxxx
Cox, Robert S., xxx-xx-xxxx
Cravens, James J., Jr., xxx-xx-xxxx
Crites, Richard J., xxx-xx-xxxx
Crocker, David L., xxx-xx-xxxx
Crowell, Arthur N., xxx-xx-xxxx
Cunningham, Thomas, xxx-xx-xxxx
Dailey, John N., xxx-xx-xxxx
Davis, Harley C., xxx-xx-xxxx
Davis, Larry L., xxx-xx-xxxx
Davis, Robert J., xxx-xx-xxxx
Dean, Byron K., xxx-xx-xxxx
Dee, David D., xxx-xx-xxxx
Dehncke, Rae W., xxx-xx-xxxx
Delp, Steven P., xxx-xx-xxxx
Depalo, William A., xxx-xx-xxxx
Devore, Matthew, xxx-xx-xxxx
Dewitt, Emmit D., xxx-xx-xxxx
Dickey, James S., xxx-xx-xxxx
Doherty, Robert L., xxx-xx-xxxx
Dondlinger, Jerome, xxx-xx-xxxx
Doyle, Edward J., xxx-xx-xxxx
Draper, Jerry Y., xxx-xx-xxxx
Dunagan, Kern W., xxx-xx-xxxx
Duncan, George R., xxx-xx-xxxx
Duval, Aaron D., xxx-xx-xxxx
Easton, Jack E., xxx-xx-xxxx
Edge, Liston L., xxx-xx-xxxx
Eifried, Gary, xxx-xx-xxxx
Ellerson, Geoffrey, xxx-xx-xxxx
Entlich, Richard E., xxx-xx-xxxx
Epperson, Gary E., xxx-xx-xxxx
Erkins, Moses, xxx-xx-xxxx
Ernst, Carl F., xxx-xx-xxxx
Essig, Frederick H., xxx-xx-xxxx
Estep, James L., xxx-xx-xxxx
Eveland, George B., xxx-xx-xxxx
Fabian, David R., xxx-xx-xxxx
Farris, Ivan R., xxx-xx-xxxx
Felder, Jerry W., xxx-xx-xxxx
Feliciano, Jose R., xxx-xx-xxxx
Ferguson, Walter N., xxx-xx-xxxx
Ferry, John V., xxx-xx-xxxx
Fesler, Lorenzo E., xxx-xx-xxxx
Fields, James E., xxx-xx-xxxx
Fields, Joyce F., xxx-xx-xxxx
Fischer, Donald C., xxx-xx-xxxx
Fishback, David M., xxx-xx-xxxx
Fisher, George A., xxx-xx-xxxx
Fitzenz, David G., xxx-xx-xxxx
Fitzpatrick, Henry, xxx-xx-xxxx
Fitzpatrick, James, xxx-xx-xxxx
Flebotte, Paul R., xxx-xx-xxxx
Fleming, Paul A., xxx-xx-xxxx
Flynn, Brian, xxx-xx-xxxx
Fonken, Stanley L., xxx-xx-xxxx
Fore, Calvin R., xxx-xx-xxxx
Forest, Ronald P., xxx-xx-xxxx
Fox, Alexander J., xxx-xx-xxxx
Frasche, Robert M., xxx-xx-xxxx
Frazar, Joe N., xxx-xx-xxxx
Frederick, Jonathan, xxx-xx-xxxx
Freeman, Eldon V., xxx-xx-xxxx
French, Stephen H., xxx-xx-xxxx
Frenn, Gary A., xxx-xx-...
Frey, Martin C., xxx-xx-xxxx
Friant, Fritz, xxx-xx-xxxx
Friel, George E., xxx-xx-xxxx
Fritz, Allan J., xxx-xx-xxxx
Fuller, George D., xxx-xx-xxxx
Fuller, John D., xxx-xx-xxxx
Fulmer, Lemos L., xxx-xx-xxxx
Furtado, William J., xxx-xx-xxxx
Gaddis, Joseph T., xxx-xx-xxxx
Gallagher, Thomas F., xxx-xx-xxxx
Garcia, Reynaldo A., xxx-xx-xxxx
Gardner, Paul B., xxx-xx-xxxx
Garner, David W., xxx-xx-xxxx
Gass, Henry B., xxx-xx-xxxx
Gately, Bernard F., xxx-xx-xxxx
Gehring, Carl H., xxx-xx-xxxx
Genega, Stanley G., xxx-xx-xxxx
Getchell, John V., xxx-xx-xxxx
Giddings, Warren P., xxx-xx-xxxx
Gilchrist, Malcolm, xxx-xx-xxxx
Gill, Clair F., xxx-x...
Ginn, Jerry W., xxx-xx-xxxx
Giantz, David M., xxx-xx-xxxx
Gleichenhaus, David, xxx-xx-xxxx
Glover, Carl V., xxx-xx-xxxx
Godfrey, Thomas G., xxx-xx-xxxx
Goetz, Robert C., xxx-xx-xxxx
Goff, Clifford N., xxx-xx-xxxx
Goff, Robert C., xxx-xx-xxxx
Goodwin, Robert A., xxx-xx-xxxx
Gornto, Ronald E., xxx-xx-xxxx
Gothreau, Andrew F., xxx-xx-xxxx
Granadodiaz, Manuel, xxx-xx-xxxx
Gray, Clyde E., xxx-xx-xxxx
Gray, Sam A., xxx-xx-xxxx
Greer, William B., xxx-xx-xxxx
Grice, Kenneth R., xxx-xx-xxxx
Grimsley, Turner E., xxx-xx-xxxx
Guest, Robert K., xxx-xx-xxxx
Hale, David R., xxx-xx-xxxx
Hall, Francis G., xxx-xx-xxxx
Hall, Philip L., xxx-xx-xxxx
Hallenbeck, Ralph A., xxx-xx-xxxx
Handy, Malvin L., xxx-xx-xxxx
Hardy, Robert S., xxx-xx-xxxx
Harris, Arnom H., xxx-xx-xxxx
Hart, James A., xxx-xx-xxxx
Hartjen, Raymond C., xxx-xx-...
Harvey, Floyd D., xxx-xx-xxxx
Hasty, Robert G., xxx-xx-xxxx
Hawley, James E., xxx-xx-xxxx
Hawley, Robert L., xxx-xx-xxxx
Heard, Jerry D., xxx-xx-xxxx
Heffelfinger, Thoma, xxx-xx-xxxx
Heffner, Lewis R., xxx-xx-xxxx
Helms, Robert F., xxx-xx-xxxx
Hendricks, Bernard, xxx-xx-xxxx
Hendrix, John W., xxx-xx-xxxx
Hennessee, James F., xxx-xx-xxxx
Herold, John M., xxx-xx-xxxx
Herrick, Thomas M., xxx-xx-xxxx
Hery, Te A., xxx-xx-xxxx
Hickling, James E., xxx-xx-xxxx
Highlander, Richard, xxx-xx-xxxx
Hinson, Joel H., xxx-xx-xxxx
Hipp, Gerald T., xxx-xx-xxxx
Hoherz, Melvin A., xxx-xx-...
Holbrook, William A., xxx-xx-xxxx
Holdsworth, John W., xxx-xx-xxxx
Holeman, J B., Jr., xxx-xx-xxxx
Hollander, Kenneth, xxx-xx-xxxx
Hollwedel, George C., xxx-xx-xxxx
Holman, Gerald F., xxx-xx-xxxx
Holmes, William R., xxx-xx-xxxx
Holroyd, Bruce E., xxx-xx-xxxx
Holtry, Anthony K., xxx-xx-xxxx
Holtry, Preston W., xxx-xx-xxxx
Hood, John E., xxx-xx-xxxx
Horvath, Leroy L., xxx-xx-xxxx
Houston, Jerry B., xxx-xx-xxxx
Hudgens, George T., xxx-xx-xxxx
Hudson, McKinley, xxx-xx-xxxx
Hueman, Thomas P., xxx-xx-xxxx
Hurley, Robert D., xxx-xx-xxxx
Hustead, Stephen C., xxx-xx-xxxx
Ingram, Lionel R., xxx-xx-xxxx
Inman, Stephen E., xxx-xx-xxxx
Ionoff, John, Jr., xxx-xx-xxxx
Jackson, Daniel J., xxx-xx-xxxx
Jacobs, Jack H., xxx-xx-xxxx
Jacobs, Ronald R., xxx-xx-xxxx
Jagielski, James R., xxx-xx-xxxx
Jaunitis, Juris, xxx-xx-xxxx
Jaworowski, Joseph, xxx-xx-xxxx
Jenkins, Joseph S., xxx-xx-xxxx
Jenks, Melvin C., xxx-xx-xxxx
Jewel, James S., xxx-xx-xxxx
Jodoin, Kenneth F., xxx-xx-xxxx
Johnson, Ross A., xxx-xx-xxxx
Johnson, Thomas E., xxx-xx-xxxx
Johnston, Frederick, xxx-xx-xxxx
Jones, Alan F., xxx-xx-xxxx
Jorgensen, Robert R., xxx-xx-xxxx
Joy, James R., xxx-xx-xxxx
Junkins, Arthur L., xxx-xx-xxxx
Kaplan, Harvey T., xxx-xx-xxxx
Kaprielian, Edward, xxx-xx-xxxx
Kara, Miles L., xxx-xx-xxxx
Karr, Thomas W., xxx-xx-xxxx
Keane, John M., xxx-xx-xxxx
Kearns, Philip F., xxx-xx-xxxx
Keivit, Robert J., xxx-xx-xxxx
Kelley, David J., xxx-xx-xxxx
Kelley, Hugh A., xxx-xx-xxxx
Kellum, George G., xxx-xx-xxxx
Kelly, James A., xxx-xx-xxxx
Kempf, Stephen J., xxx-xx-xxxx
Kennedy, John P., xxx-xx-xxxx
Kent, Charles E., xxx-xx-xxxx
Keys, James W., xxx-xx-xxxx
Kidd, John B., xxx-xx-xxxx
Kimball, John A., xxx-xx-xxxx
Kinzer, Joseph W., xxx-xx-xxxx
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Konitzer, Thomas J., xxx-xx-xxxx
Kopf, James C., xxx-xx-xxxx
Korkin, Robert A., xxx-xx-xxxx
Kosevich, Richard S., xxx-xx-xxxx
Kotch, Michael C., xxx-xx-xxxx
Kraus, Kenneth L., xxx-xx-xxxx
Kress, James P., xxx-xx-xxxx
Kuhn, Ronald M., xxx-xx-xxxx
Lacey, William J., xxx-xx-xxxx
Laferte, Albert E., xxx-xx-xxxx
Lai, Leonard S., xxx-xx-xxxx
Lamkin, Fletcher M., xxx-xx-xxxx
Lane, Charles D., xxx-xx-xxxx
Larsen, Daniel M., xxx-xx-xxxx
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Leblanc, Dieudonne, xxx-xx-xxxx
Lemieux, Robert E., xxx-xx-xxxx
Lenhart, Michael E., xxx-xx-xxxx
Leonard, Ronald R., xxx-xx-xxxx
Lewis, Joe A., xxx-xx-xxxx
Lilley, Robert J., xxx-xx-xxxx
Long, Wendel L., xxx-xx-xxxx
Lowe, Karl H., xxx-xx-xxxx
Lujan, Armando, xxx-xx-xxxx
Lundberg, Maynard J., xxx-xx-xxxx
Lutz, Ward A., xxx-xx-xxxx
Lutz, William G., xxx-xx-xxxx
Lytle, David K., xxx-xx-xxxx
Mabry, Joseph M., xxx-xx-xxxx
Madden, Charles E., xxx-xx-xxxx
Maddry, Ted R., xxx-xx-xxxx
Magruder, Robert B., xxx-xx-xxxx
Mahlik, David J., xxx-xx-xxxx
Marchand, Gary J., xxx-xx-xxxx
Margolius, Benjamin, xxx-xx-xxxx
Marshall, Edgar A., xxx-xx-xxxx

Mashburn, J. H., xxx-xx-xxxx
Mayo, Richard E., xxx-xx-xxxx
McCarron, James P., xxx-xx-xxxx
McCaskill, Horace J., xxx-xx-xxxx
McDonald, John W., xxx-xx-xxxx
McGarity, Robert L., xxx-xx-xxxx
McGuinness, John W., xxx-xx-xxxx
McGurk, Francis W., xxx-xx-xxxx
McGurk, John R., xxx-xx-xxxx
McGurk, Robert S., xxx-xx-xxxx
McKeon, Charles A., xxx-xx-xxxx
McLean, Tony L., xxx-xx-xxxx
McLeskey, Frank R., xxx-xx-xxxx
McMonegal, William, xxx-xx-xxxx
McNamara, Paul K., xxx-xx-xxxx
Measels, David A., xxx-xx-xxxx
Medley, Larry J., xxx-xx-xxxx
Meek, Donald L., xxx-xx-xxxx
Meier, Arthur C., xxx-xx-xxxx
Melanson, Leo M., xxx-xx-xxxx
Mennie, Thomas L., xxx-xx-xxxx
Meoni, Neil W., xxx-xx-xxxx
Meredith, Richard L., xxx-xx-xxxx
Metelko, James E., xxx-xx-xxxx
Meurer, Frederick E., xxx-xx-xxxx
Miller, George M., xxx-xx-xxxx
Miller, Paul L., xxx-xx-xxxx
Mills, Francis E., xxx-xx-xxxx
Mills, James J., xxx-xx-xx...
Mills, Walter L., xxx-xx-xxxx
Mitchell, Ralph M., xxx-xx-xxxx
Modrall, Nelson E., xxx-xx-xxxx
Monroe, Dennis G., xxx-xx-xxxx
Montes, Juan A., xxx-xx-xx...
Monteverde, Miguel, xxx-xx-xxxx
Montgomery, Patrick, xxx-xx-xxxx
Moon, John K., xxx-xx-xxxx
Moorehead, Robert L., xxx-xx-xxxx
Moreau, James G., xxx-xx-xxxx
Morgan, Donald J., xxx-xx-xxxx
Morgan, Paul F., xxx-xx-xxxx
Morgan, Richard J., xxx-xx-xxxx
Morrell, Robert, xxx-xx-xxxx
Morris, Delton R., xxx-xx-xxxx
Morris, Hollis L., xxx-xx-xxxx
Morris, John A., xxx-xx-xxxx
Morse, Michael M., xxx-xx-xxxx
Muldoon, James J., xxx-xx-xxxx
Mullen, George M., xxx-xx-xxxx
Mullen, William A., xxx-xx-xxxx
Murray, George T., xxx-xx-xxxx
Myers, Duane H., xxx-xx-xxxx
Myers, Richard E., xxx-xx-xxxx
Nash, Kenneth H., xxx-xx-xxxx
Nelson, Harold M., xxx-xx-xxxx
Nettling, John T., xxx-xx-xxxx
Nickens, Joseph E., xxx-xx-xxxx
Nickisch, Craig W., xxx-xx-xxxx
Nicklas, Harold H., xxx-xx-xxxx
Norman, Neal E., xxx-xx-xxxx
Novembre, Peter J., xxx-xx-xxxx
O'Connor, John M., xxx-xx-xxxx
Olds, William K., xxx-xx-xxxx
O'Malley, Thomas E., xxx-xx-xxxx
O'Neill, Peter G., xxx-xx-xxxx
Ono, Tadahiko, xxx-xx-xxxx
O'Toole, Robert H., xxx-xx-xxxx
Pahland, Richard C., xxx-xx-xxxx
Painter, Dan H., xxx-xx-xxxx
Parrish, John C., xxx-xx-xxxx
Paterson, Theodore, xxx-xx-xxxx
Peck, Millard A., xxx-xx-xxxx
Pedigo, William E., xxx-xx-xxxx
Pennell, William H., xxx-xx-xxxx
Pickler, John M., xxx-xx-xxxx
Pinckney, Marion, xxx-xx-xxxx
Platt, Richard A., xxx-xx-xxxx
Plocek, George N., xxx-xx-xxxx
Pope, Derwin B., xxx-xx-xxxx
Power, John R., xxx-xx-xxxx
Prather, Dan E., xxx-xx-xxxx
Price, Jerry C., xxx-xx-xxxx
Pruitt, Ronald O., xxx-xx-xxxx
Prusinovski, Louis, xxx-xx-...
Pryor, Ralph W., xxx-xx-xxxx
Pulver, William C., xxx-xx-xxxx
Pylant, Julian E., xxx-xx-xxxx
Quesinberry, Robert, xxx-xx-xxxx
Quick, Burnet R., xxx-xx-xxxx
Quinlan, Michael M., xxx-xx-xxxx
Quinn, Robert J., xxx-xx-xxxx
Quinones, Ruben D., xxx-xx-xxxx
Quintrell, Wallace, xxx-xx-xxxx
Ragsdale, Jack D., xxx-xx-xxxx
Ratcliff, Owen L., xxx-xx-xxxx
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Ruhl, Garrett E., xxx-xx-xxxx
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Scobie, Timothy C., xxx-xx-xxxx
Seger, Robert E., xxx-xx-xxxx
Senecal, Jan L., xxx-xx-xxxx
Shelby, William L., xxx-xx-xxxx
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Simonetta, Russell, xxx-xx-xxxx
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Skender, Louis E., xxx-xx-xxxx
Smart, Neil A., xxx-xx-xxxx
Smith, Bruce E., xxx-xx-xxxx
Smith, Edwin P., xxx-xx-xxxx
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Smith, Lee H., xxx-xx-xxxx
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Snodgrass, Wilder M., xxx-xx-xxxx
Snook, Larry, xxx-xx-xxxx
Sosnowski, John J., xxx-xx-xxxx
Spagnoli, Joseph B., xxx-xx-xxxx
Sprague, Michael D., xxx-xx-xxxx
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Stephens, Charles D., xxx-xx-xxxx
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Stirling, William W., xxx-xx-xxxx
Stock, Lawrence W., xxx-xx-xxxx
Strom, Roger C., xxx-xx-xxxx
Sturbois, Louis J., xxx-xx-...
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Taylor, Benjamin D., xxx-xx-xxxx
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Templeton, Allen E., xxx-xx-xxxx
Tepper, Elliott I., xxx-xx-xxxx
Terry, Elbridge W., xxx-xx-xxxx
Tezak, Edward G., xxx-xx-xxxx
Thomas, Joseph J., xxx-xx-xxxx
Thomas, Thomas N., xxx-xx-xxxx
Thompson, Leon G., xxx-xx-xxxx
Thrasher, Robert H., xxx-xx-xxxx
Timmerman, Frederic, xxx-xx-xxxx
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Trapnell, Franklin, xxx-xx-xxxx
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Viduya, Robert C., xxx-xx-xxxx
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Walk, Gary J., xxx-xx-xxxx
Walker, Herbert A., xxx-xx-xxxx
Walkley, Lester D., xxx-xx-xxxx
Wall, Kenneth E., xxx-xx-xxxx
Walls, Gregg P., xxx-xx-xxxx
Walters, Robert P., xxx-xx-xxxx
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Ward, James A., xxx-xx-xxxx
Ward, Joel H., xxx-xx-xxxx
Wasielewski, Joseph, xxx-xx-xxxx
Watkins, John M., xxx-xx-xxxx
Weiss, Robert M., xxx-xx-xxxx
Wells, James V., xxx-xx-xxxx
Wheeler, William L., xxx-xx-xxxx
Wheelock, Eddie D., xxx-xx-xxxx
Whipple, William B., xxx-xx-xxxx
White, Eddie J., xxx-xx-xxxx
Wilde, Gary D., xxx-xx-xxxx
Williams, Gerald P., xxx-xx-xxxx
Wilson, James L., xxx-xx-xxxx
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Wilson, Roy W., xxx-xx-xxxx
Wilson, Samuel F., xxx-xx-xxxx
Wilson, Thomas A., xxx-xx-xxxx
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Windom, David L., xxx-xx-xxxx
Wise, Franklin F., xxx-xx-xxxx
Wong, Frederick G., xxx-xx-xxxx
Wood, Robert H., xxx-xx-xxxx
Word, Larry E., xxx-xx-xxxx
Wright, Johnny F., xxx-xx-xxxx
Wylie, Edgar L., xxx-xx-xxxx
Yanagihara, Galen H., xxx-xx-xxxx
Yearout, Paul H., xxx-xx-xxxx
Young, James V., xxx-xx-xxxx
Young, Robert A., xxx-xx-xxxx
Young, Robert S., xxx-xx-xxxx
Yourtee, Leon R., xxx-xx-xxxx
Yrjanson, Robert E., xxx-xx-xxxx
Zaremba, Walter C., xxx-xx-xxxx
Zikmund, Robert L., xxx-xx-xxxx
Zugel, Raymond J., xxx-xx-xxxx

CHAPLAIN

To be colonel

Bowker, Gary A., xxx-xx-xxxx
Carter, William T., xxx-xx-xxxx
Connett, Reyhold B., xxx-xx-xxxx
Covington, Robert R., xxx-xx-xxxx
Edgren, James A., xxx-xx-xxxx
Fleming, Martin M., xxx-xx-xxxx
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King, Wayne C., xxx-xx-xxxx
Kuehne, Wayne E., xxx-xx-xxxx
Lacey, Floyd E., xxx-xx-xxxx
Mathis, Roy N., xxx-xx-xxxx
McKinney, James H., xxx-xx-xxxx
Norton, Thomas H., xxx-xx-xxxx
Ortiz, Michael G., xxx-xx-xxxx
Reinbacher, Otto A., xxx-xx-xxxx
Schaffer, Harvey L., xxx-xx-xxxx
Steffey, Chester R., xxx-xx-xxxx
Watterson, John E., xxx-xx-xxxx
Windmiller, Bernard, xxx-xx-xxxx

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

Arkow, Richard S., xxx-xx-xxxx
Carmichael, Harry S., xxx-xx-xxxx
Colby, Edward L., xxx-xx-xxxx
Cooper, Norman G., xxx-xx-xxxx
Eggers, Howard C., xxx-xx-xxxx
Gates, Elmer A., xxx-xx-xxxx
Gleason, James C., xxx-xx-xxxx
Haessig, Arthur G., xxx-xx-xxxx
Jacunski, George G., xxx-xx-xxxx
Kennett, Michael B., xxx-xx-xxxx
Mitchell, Kenneth M., xxx-xx-xxxx
O'Brien, Maurice J., xxx-xx-xxxx
Richardson, Quentin, xxx-xx-xxxx
Strassburg, Thomas, xxx-xx-xxxx

ARMY NURSE CORPS

To be colonel

Cherrington, Raymon, xxx-xx-xxxx
Couch, Kenneth R., xxx-xx-xxxx
Devin, Kathleen, xxx-xx-xxxx
Digirol, Marilyn T., xxx-xx-xxxx
Estes, Zane E., xxx-xx-xxxx
Feltham, Mary A., xxx-xx-xxxx
Fletcher, Ella L., xxx-xx-xxxx
Goethals, Gerald B., xxx-xx-xxxx
Gordon, Jacqueline, xxx-xx-xxxx
Green, Dolores, xxx-xx-xxxx
Griess, Lorna L., xxx-xx-xxxx
Jerney, Charlotte O., xxx-xx-xxxx
Johnson, Sandrah W., xxx-xx-xxxx
Johnston, Zula J., xxx-xx-xxxx
Keyser, Collette P., xxx-xx-xxxx
Kohl, Michele L., xxx-xx-xxxx
Maloney, Joseph P., xxx-xx-xxxx
Matson, Erland G., xxx-xx-xxxx
Mennega, Wubbina A., xxx-xx-xxxx
Morres, Anna V., xxx-xx-xxxx
Phelps, Fredrick O., xxx-xx-xxxx
Pugh, Calvin C., xxx-xx-xxxx
Shafer, Kathleen M., xxx-xx-xxxx
Southby, Janet R., xxx-xx-xxxx
Tollefson, Marilee, xxx-xx-xxxx
Webster, Edith H., xxx-xx-xxxx
White, Carolyn M., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Barron, Garrett W., xxx-xx-xxxx
Billingsley, Herche, xxx-xx-xxxx
Bradford, Jackie E., xxx-xx-xxxx
Brothers, Chauncy P., xxx-xx-xxxx
Bulla, Bill F., xxx-xx-xxxx
Cunningham, Clyde R., xxx-xx-xxxx
Czachowski, Robert, xxx-xx-xxxx
Damian, Kenneth J., xxx-xx-xxxx
Danielski, Linn J., xxx-xx-xxxx
David, James R., xxx-xx-xxxx
Davis, Charles T., xxx-xx-xxxx
Dunlevy, Bernard J., xxx-xx-xxxx
Eaton, Frederick A., xxx-xx-xxxx
Field, Richard W., xxx-xx-xxxx
Fields, Jerry L., xxx-xx-xxxx
Flory, Alan J., xxx-xx-xxxx
Guinn, Joe L., xxx-xx-xxxx
Hopkins, Clarence E., xxx-xx-xxxx
Iber, Peter K., xxx-xx-xxxx
Italiano, Angelo J., xxx-xx-xxxx
Jackman, Timothy, xxx-xx-xxxx
Kenison, Charles B., xxx-xx-xxxx
Laaken, B. R., xxx-xx-xxxx
Lacey, Donald A., xxx-xx-xxxx
Lamothe, John D., xxx-xx-xxxx
Libby, Glidden N., xxx-xx-xxxx
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Malebranche, Regina, xxx-xx-xxxx
McNelis, Peter J., xxx-xx-xxxx
Parmer, Bert E., xxx-xx-xxxx
Redington, Bryce C., xxx-xx-xxxx
Sandidge, William M., xxx-xx-xxxx
Schnakenberg, David, xxx-xx-xxxx
Sodetz, Frank J., xxx-xx-xxxx
Watts, Olen C., xxx-xx-xxxx
Wichelt, Roger H., xxx-xx-xxxx
Williams, David G., xxx-xx-xxxx
Yohman, Joseph F., xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Carter, James C., xxx-xx-x...
Cole, William C., xxx-...
Hall, Robert D., xxx-xx-xxxx
Heil, James R., xxx-xx-xxxx
Johnson, Howard C., xxx-xx-xxxx
Lumpkin, William L., xxx-xx-xxxx
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MEDICAL CORPS

To be colonel

Allen, Roger K., xxx-xx-xxxx
Andronaco, Joseph H., xxx-xx-xxxx
Barron, Joseph B., xxx-xx-xxxx
Baswell, David L., xxx-xx-xxxx
Belville, William D., xxx-xx-xxxx
Besanceney, Charles, xxx-xx-xxxx
Branlygomez, Roland, xxx-xx-xxxx
Brown, Tommy J., xxx-xx-xxxx
Burgos, Victor L., xxx-xx-xxxx
Burman, Kenneth D., xxx-xx-xxxx
Byers, Norman T., xxx-xx-xxxx
Carter, Jimmy M., xxx-xx-xxxx
Charbonnel, Thomas, xxx-xx-xxxx
Chulay, Jeffrey D., xxx-xx-xxxx
Clements, Thomas I., xxx-xx-xxxx
Coleridge, Samuel T., xxx-xx-xxxx
Cross, Alan S., xxx-xx-xxxx
Cruz, Pedro J., xxx-xx-xxxx
Davis, Richard C., xxx-xx-xxxx
Dixon, Kenneth E., xxx-xx-xxxx
Doty, Richard D., xxx-xx-xxxx
Duff, William P., xxx-xx-xxxx
Dwyer, Catherine V., xxx-xx-xxxx
Erdtmann, Frederick, xxx-xx-xxxx
Fischer, Gerald W., xxx-xx-xxxx
Foley, John D., xxx-xx-xxxx
Freeley, Douglas A., xxx-xx-xxxx
Galvin, Eugene G., xxx-xx-xxxx
Garcia, Victor F., xxx-xx-xxxx
Gomatos, Peter J., xxx-xx-xxxx
Grabow, Thomas W., xxx-xx-xxxx
Griffin, Robert F., xxx-xx-xxxx
Haburchak, David R., xxx-xx-xxxx
Hawkes, Thomas A., xxx-xx-xxxx
Hill, Robert B., xxx-xx-xxxx
Johnson, John P., xxx-xx-xxxx
Kahn, Patricia J., xxx-xx-xxxx
Kale, Milton P., xxx-xx-xxxx
Kehoe, John E., xxx-xx-xxxx
Kim, Michael H., xxx-xx-xxxx
Klein, Arthur D., xxx-xx-xxxx
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Kramer, Kenyon K., xxx-xx-xxxx
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Larsen, Mark A., xxx-xx-xxxx
Lee, Robert E., xxx-xx-xxxx
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Mortimer, Evan E., xxx-xx-xxxx
Odea, James E., xxx-xx-xxxx
O'Donnell, Francis L., xxx-xx-xxxx
Oetgen, William J., xxx-xx-xxxx
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Parker, John S., xxx-xx-xxxx
Pearl, William R., xxx-xx-xxxx
Perugini, Daniel F., xxx-xx-xxxx
Pettett, Philip G., xxx-xx-xxxx
Peura, David A., xxx-xx-xxxx
Phillips, George L., xxx-xx-xxxx
Piskun, Walters, S., xxx-xx-xxxx
Roberts, David W., xxx-xx-xxxx
Romash, Michael M., xxx-xx-xxxx
Sausker, William F., xxx-xx-xxxx
Savory, Carlton G., xxx-xx-xxxx
Sheridan, John L., xxx-xx-xxxx
Smallridge, Robert, xxx-xx-xxxx
Smith, Franklin R., xxx-xx-xxxx
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Sweet, Ross B., xxx-xx-xxxx
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To be colonel

Allen, Mark V., xxx-xx-xxxx
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Sigala, Joseph L., xxx-xx-xxxx
Vire, Donald E., xxx-xx-xxxx
Webb, Joseph G., xxx-xx-xxxx
Whang, Raymond S., xxx-xx-xxxx
Woolsey, Gerald D., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Garfield, Mary M., xxx-xx-xxxx
Monagan, Charles F., xxx-xx-xxxx
Moore, John W., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named U.S. Air Force Academy guaduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 541:

Mohle, Dennis H. xxxx
Lewis, Robert J., xx...

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107:

Brady, Jeffry S., xxxx
Brown, Gary E., Jr., xx...
McColgan, James T., III, xx...
Schirmer, Jeffrey P., xx...
Tyer, Jack A., xx...
Vanrooy, Joseph J., xx...

The following-named Marine Corps Enlisted Commissioning Education Program

graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531:

Maddox, John R., XX...
Philadelphia, Carlton A., XX...
Riddick, Tommie D., XXXX

The following-named temporary disability retired officer for reappointment to the grade of captain in the U.S. Marine Corps, pursuant to title 10, United States Code, section 1211:

Forr, James R., XX...

IN THE COAST GUARD

The following permanent chief warrant officers, W-1 of the U.S. Coast Guard to be permanent chief warrant officer, W-2:

Herbert W. Davis, Jr.
John C. Gifford
Marshall V. Lott III
David A. Albaugh
Robin H. Orr
Paul W. Langner
Gary R. Burgun
Martin J. Dukeshire
Walter T. Conklin
Arthur B. Miller
William R. Gird
Donald G. Gardner
John R. Yunker
William Court II
Richard D. Laliberty
Kenneth N. Gibbs, Jr.
Carl A. Litke
Larry E. Smith
Dean R. Kessler
Raymond K. Goble
Anthony R. Stadie
Roland H. Starr
David F. Fronzuto
Kenneth E. Derrick, Jr.
Donald S. Harrison
Ronald G. Hull
William K. Green
Michael G. McNaught
John A. Aberle, Jr.
Robert L. Conley
Anthony J. Smigelski, Jr.
Michael G. Fries
John M. Washburn
Donald J. Joiner
Kenneth M. Burnaw
Layman K. Towery
Daniel F. Coffey
James T. Toms
Donald T. Hall
Dante G. Hebert
Jonathan D. Sawyer
Gerald E. Siebert
Patrick C. Kenny
Richard A. Tabor
Richard B. Honey
Dale E. Colburn
Leonard H. Fleming
Edward W. Wilson
Alex Averin
Daniel J. King
Kenneth M. Brandal
Seymour L. Haber
David C. Ebenhoeh
Robert J. Duld
David J. McDermott
Leonard K. Pendergraft
David J. Siehl
Richard P. Dickson
Maurice K. Jenkins
Peter M. Keane
William E. Pearson
William M. Stromberg
Adolph E. Galonski
Michael W. McNeil
David Vincent
Michael D. Dawe
Joseph H. Hubbard
Ricky D. Piper
James R. Roberts
Robert L. Desh
Charles O. Russell
Kenneth S. Rollins, Jr.
Tomas M. Dumlao
Albert O. Simmons
Melesio Gonzalez
David J. Ring
Tommy G. Beadle
Darryl Umland
Richard C. London
Larry D. Beard
Dennis P. St. John
William N. Wall
James B. Farmer
William E. Moore
Rickey W. George
James H. Humphrey
John D. Swapp
William H. Burt
Bobby G. Thompson
Lawrence Rounds
Gregory R. Ploor
Richard M. Ross
Richard T. Pink
Robert W. Steiner
Robert J. Harko
John D. Nylen
Christopher E. Jewell
Robert F. Salmon
John E. Palmer
Larry V. Ellis
Raymond H. Dolan
Curtis R. Butler
Edward A. Goldberg
Jerome J. Walker
Kenneth A. Ramsdell
Michael D. Needham
Ronald H. Armstrong
William F. Gebing
Richard K. DeClaro
Joseph A. Kilonsky
Joe B. McCollum
Barry M. Goddard
Herman Weaver
Allen M. Moore
Larry R. Fletcher
John H. Douglas
Brenton S. Michaels
Patrick S. Hill
Charles W. Taylor
Michael F. Emch
Ralph J. Hansen
John T. Prill
Stuart A. Link
Troy B. Sowers
James F. Szerokman
Richard J. Eldred
Keith D. Koch
John J. Hecker
Ross D. Johnson
Lawrence P. Demarchi
John P. Sparrow
Larry K. Sisseck
Ernesto P. Ventenilla
Eduardo G. Matias
Russell E. French
Thomas F. McGrath, Jr.
Raymond J. Lenihan
Mark A. Vogel
David E. Franklin
James V. Cole
Barry S. Gaudette
Vincent J. Bekken
Richard E. Leber
Robert W. Siggins
Jerry T. Coronel
Stephen J. Milobar
Joseph R. Howard
James S. Lodge
Thomas W. Binswanger
Gary A. Massey
Jack T. Dale
Richard R. Reinhart
Samuel K. Long
Wilfredo C. Padilla
Arlie L. Schroeder
Harry D. Leamer
Patrick I. Padgett
Jose S. Marmol
Gary E. Mael
Douglas J. Flammang

The following permanent chief warrant officers, W-2 of the U.S. Coast Guard to be permanent chief warrant officer, W-3:

Richard C. Dewaal
Bryan J. Norman
Jack C. Wilson
John A. Kress
Clarence L. Luck
Horace V. Johnson
James T. Beckermann
Rowlin J. Browning
James W. Long
James B. Reynolds
Resta N. Cauley, Jr.
Gerald W. Schmer
James F. Fromm
John D. Clark
William G. Wetherington
Ralph W. Cromley
William E. Mulkern
George M. Allen
Richard J. McGrew, Jr.
Dale L. Walker
John P. Camey
William P. Zazzo
Rafael Rivera
Stephen D. Willmann
Timothy H. Harris
David L. Grant
Ronald W. Hunt
Harry J. Dasher
John F. McCaslin
James P. Mackay
Charles W. Mattoon
Archie C. Goodwin
Cornelius Howlett
David T. Powell
Donald C. Roark
Walter L. Carr
Raymond A. Morris, Jr.
Bobby B. Butler
Norbert V. Amano
Marsden H. Warren, Jr.
John C. Simmons
Wallace R. Hunter
Ronald A. Perry
Raymond C. Sanford
Everett P. Clark II
Claude D. Pendergraph
Jerry W. Lemon
Harold R. Springsteen
Robert O. Rucker
Earl L. Reed
James J. Kohlhepp
Malcolm D. Bassett
Michael W. Dubose
Thomas J. Reidy
Richard M. Meidt
Edward F. Clancy, Jr.
William R. Johnson
Braxton L. Holland
William C. Kennedy, Jr.
Guy R. A. Sorenson
John A. Pellegrini
Alfred P. McNab III
James D. Agar
Edward D. Huckeba
Jon J. Huff
Jesse J. Findley
Don A. Mahoney
John M. Powers
Richard E. Spinney
Larry A. Everman
Donald W. Cowell
James E. Bradshaw
Julian R. Cates
Thomas D. Hetsler
Curtis A. Forbes
Richard S. MacNair
Thomas H. Specht
John H. Marx
Carl R. Skinner
James L. Cropper, Jr.
David S. Stonebrook
David G. Deabenderfer
William L. Wagner
Louis P. Nann
John A. Giehl
Leon F. Boland
Michael F. Abbott
Craig A. Reynolds
Newman L. Cantrell
Daniel R. Oakley
Frank G. Dzieciolowski
Robert W. Greiner
Donald E. Pace
Anthony J. Trackerman
James H. Crimmins, Jr.
Robert J. Moynihan
James R. Brown
Cornelious A. Johnson, Jr.
Johne E. Niemi
Charles D. Smith
James R. McKnight, Jr.
Robert J. Campbell
Harold W. Willis, Jr.

The following permanent chief warrant officers, W-3 of the U.S. Coast Guard to be permanent chief warrant officer, W-4:

Joseph Phillips
Robert B. Dunn
Donald D. Blackmon
Charles D. Dryden
James R. Lindeblad
John G. Burkee
Francis J. Dougherty
Hiram E. Brooks
Richard C. Pierce
Andrew J. Gregorich
Joseph H. Williams III
Edmond J. Brady
Peter J. Kellerman
Robert J. Rhoads
John F. Bischoff
Leroy G. Seier
Friend J. Cornell
Richard E. Moore
Vincente B. Agor
Joseph T. Cook
Billy J. Bush
Robert J. Landefeld
Robert L. Lewis
Peter S. Hughes
Howard H. Hudgins
John C. Crawford

EXTENSIONS OF REMARKS

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North 3d Street, Suite 103, in Phoenix.

The list is arranged as follows;

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issues being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

VOTING RECORD

301. H.R. 2957. International Recovery and Financial Stability Act. Gramm, R-Texas, amendment to instruct the U.S. representative to the International Monetary Fund to oppose loans to communist dictatorships. Adopted 242-185: NV(3-1-1), August 3, 1983.

302. H.R. 2957. International Recovery and Financial Stability Act. St Germain, D-R.I., amendment to the Burton, R-Ind., amendment, instructing the U.S. representative to the International Monetary Fund (IMF) to support policies to bring IMF interest rates in line with market rates. St Germain's amendment effectively gutted the Burton amendment, which would have required the United States to oppose any IMF loan with a rate of interest that is less than the average rate of interest for similar loans guaranteed by the Small Business Administration. Adopted 286-136: NV(2-2-1), August 3, 1983.

303. H.R. 2957. International Recovery and Financial Stability Act. Corcoran, R-Ill., amendment to strike the increase in the U.S. quota in the International Monetary Fund (IMF) and direct the Secretary of the Treasury to encourage the IMF to help foreign countries renegotiate their bank loans on more favorable terms. Rejected 174-249: N(3-2-0), August 3, 1983. A "nay" was a vote supporting the president's position.

304. H.R. 2957. International Recovery and Financial Stability Act. Passage of the bill to authorize an $8.4 billion increase in U.S. participation in the International Monetary Fund, extend for two years with some changes the authority for the Export-Import Bank, and provide multilateral development aid. Passed 217-211: Y(2-3-0), August 3, 1983. A "yea" was a vote supporting the president's position.

306. H.R. 2230. U.S. Commission on Civil Rights. Edwards, D-Calif., amendment (part 1) to extend the life of the commission for five years, rather than 15 years as provided in the bill. Adopted 400-24: Y(4-1-0), August 4, 1983.

307. H.R. 2230. U.S. Commission on Civil Rights. Edwards, D-Calif., amendment (part 2) to permit removal of members of the Civil Rights Commission only for neglect of duty or malfeasance in office. Adopted 286-128: Y(3-2-0), August 4, 1983.

308. H.R. 2867. Hazardous Waste Control. Florio, D-N.J., amendment to the Shelby, D-Ala., amendment, to require generators of 25 or more kilograms per month of hazardous wastes to notify transporters the wastes are hazardous. Adopted 236-180: Y(2-3-0), August 4, 1983. (The Shelby amendment, which would have raised the notification threshold from the committee-approved 25 kg/mo. to 100 kg/mo., subsequently was adopted by voice vote.)

309. H.R. 2867. Hazardous Waste Control. Hiler, R-Ind. amendment to the Shelby, D-Ala., amendment, to lengthen to 810 days the phase-in period for requirement on generators of small quantities of hazardous wastes. Adopted 218-192: Y(5-0-0), August 4, 1983. (The Shelby amendment, as modified by the Florio, D.-N.J., amendment, would have imposed the small-generator requirements in 180 days. It subsequently was adopted by voice vote.)

310. H.R. 3520. Rehabilitation Act Amendments. Adoption of the rule (H. Res. 283) providing for House floor consideration of the bill to amend and reauthorize through fiscal 1988 the Rehabilitation Act, which provides vocational rehabilitation programs; authorizes several other educational programs for handicapped persons; and increases authorizations for 10 other educational, arts and welfare programs. Adopted 251-137: Y(2-3-0), August 4, 1983.

311. H.R. 3391. Trade Adjustments Assistance. Adoption of the rule (H. Res. 299) providing the House floor consideration of the bill to reauthorize and amend trade adjustment assistance programs for workers and firms. Adopted 233-132: Y(1-3-1), August 4, 1983.

313. H.R. 3520. Rehabilitation Act Amendment. Bartlett, R-Texas, amendment to delete the section of the bill increasing authorization levels for 10 education and social services programs. Rejected 124-283: N(2-2-1), September 13, 1983.

314. H.R. 3520. Rehabilitation Act Amendments. Moorhead, R-Calif., amendment to revise the formula for distribution of funds for energy assistance to low income people. Adopted 226-174: Y(4-0-1), September 13, 1983.

315. H.R. 3520. Rehabilitation Act Amendments. Erlenborn, R-Ill., motion to recommit the bill to the Education and Labor Committee with instructions to amend the bill to prohibit funds authorized by Title IV of the bill from being spent by any school district or other political subdivision responsible for education unless that body has a procedure for determining functional literacy as a condition for high school graduation. Motion rejected 128-275: N(2-2-1), September 13, 1983.

316. H.R. 3520. Rehabilitation Act Amendments. Passage of the bill to authorize fiscal 1984 appropriations of $1,037,800,000 for state grant vocational rehabilitation programs, with increases for fiscal 1985-88 according to a formula and such sums as necessary for other Rehabilitation Act programs for fiscal 1984-88; to create a federal program to assist in the education of immigrant children for fiscal 1984-86 and authorize such sums as necessary; and increase fiscal 1984 authorizations for 11 other educational, arts and welfare programs from $9,474,700,000 to $11,092,700,000. Passed 324-79: Y(3-1-1), September 13, 1983. A "nay" was a vote supporting the president's position.

317. H.R. 5. Ocean and Coastal Resources Management. Passage of the bill to share up to $300 million annually in federal offshore oil and gas leasing revenues with coastal and Great Lakes states as block grants for certain ocean and coastal resources programs. Passed 301-93: Y(2-2-1), September 14, 1983. A "nay" was a vote supporting the president's position.

318. H.R. 3391. Trade Adjustment Assistance. Frenzel, R-Minn., amendment to the Ways and Means Committee amendment, to lower the percentage of customs duties to be set aside in a special account for trade adjustment assistance, thereby bringing the program into conformity with the fiscal 1984 budget resolution, and to delete language authorizing additional funds if necessary to meet the bill's requirements. Rejected 176-234: N(2-2-1), September 14, 1983.

319. H.R. 3391. Trade Adjustment Assistance. Frenzel, R-Minn., amendment to eliminate a provision extending trade adjustment assistance to workers in firms that supply parts and services to industries damaged by import competition. Rejected 154-255: N(2-2-1), September 14, 1983.

320. H.J. Res. 353. Korean Plane Resolution. Passage of the joint resolution to condemn the Soviet Union for its destruction of a Korean civilian airliner. Passed 416-0: Y(4-0-1), September 14, 1983.

322. S. 675. Omnibus Defense Authorizations. Adoption of the conference report on the bill to authorize $187.5 billion for weapons procure research and operations and maintenance of the Department of Defense

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

in fiscal 1984. Adopted 266-152: N(4-1-0), September 15, 1983.

323. H.R. 3391. Trade Adjustment Assistance. Frenzel, R-Minn., amendment to eliminate the special fund that would finance benefits from a percentage of annual customs duties, and replace it with a regular authorization. Rejected 173-231: N(3-2-0), September 15, 1983.

324. H.R. 3391. Trade Adjustment Assistance. Frenzel, R-Minn., motion to recommit the bill to the Ways and Means Committee with instructions to amend the bill so that the amount authorized for trade adjustment assistance could not exceed the amount provided in Congress 1984 budget resolution. Motion rejected 194-218: N(3-2-0), September 15, 1983.

325. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Smith, D-Iowa, motion that the Committee of the Whole rise and report the bill back to the House with amendments, thereby barring any legislative riders such as a prohibition on use of Justice Department funds to block programs of "voluntary" school prayer. Motion agreed to 245-120: Y(3-2-0), September 15, 1983.

326. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Passage of the bill to provide $6,717,926,000 in fiscal 1984 for the State, Justice and Commerce departments and the federal judiciary. Passed 228-142: Y(3-2-0), September 19, 1983. The President had requested $9,744,502,000 in new budget authority.

327. H.R. 1036. Community Renewal Employment Act. Adoption of the rule (H. Res. 302) providing for House floor consideration of the bill to authorize federal grants to local communities for projects to provide public service jobs in areas of high unemployment. Adopted 309-108: Y(2-3-0), September 20, 1983.

328. H.R. 1036. Community Renewal Employment Act. Hawkins, D-Calif., amendment to delete the $5 billion in fiscal 1983 authorization in the bill and instead authorize $3.5 billion in fiscal 1984 for the jobs program. Adopted 414-0: NV(4-0-1), September 21, 1983.

329. H.R. 1036. Community Renewal Employment Act. Hawkins, D-Calif., amendment to the Jeffords, R-Vt., amendment, to terminate the bill's authorization if unemployment rates fall below 4 percent while continuing authorization of funds for areas where unemployment was at least 6.5 percent. Rejected 208-210: Y(2-3-0), September 21, 1983. (The Jeffords amendment, which would phase down the authorization levels as unemployment declines and eliminate it if unemployment falls below 6 percent, subsequently was adopted by voice vote.)

330. H.R. 1036. Community Renewal Employment Act. Gekas, R-Pa., amendment to prohibit authorization of the funds in the bill if spending those funds would result in deficit spending by the Federal Government. Rejected 166-258: N(3-2-0), September 21, 1983.

331. H.R. 1036. Community Renewal Employment Act. Walker, R-Pa., amendment to require that all of the jobs created under the bill go to people who had been unemployed at least six weeks before the bill is enacted. Rejected 142-279: N(3-2-0), September 21, 1983.

332. H.R. 1036. Community Renewal Employment Act. Walker, R-Pa., amendment to, in effect, waive the Davis-Bacon Act, which requires that the prevailing local wage be paid on federal construction projects, as applied to revenue sharing projects, if such a waiver would result in a substantial increase in employment for minority youths. Rejected 92-327: N(3-2-0), September 21, 1983.

333. H.R. 1036. Community Renewal Employment Act. Passage of the bill to authorize $3.5 billion in fiscal 1984, and funds in future years a formula based on levels of unemployment, to provide grants to local governments to finance repairs and renovation of community facilities and public schools for the purpose of creating jobs. Passed 246-178: Y(2-3-0), September 21, 1983.

334. H.R. 3913. Labor, Health and Human Services, Education Appropriations, Fiscal 1984. Conte, R-Mass., amendment to prohibit use of funds in the bill to pay for abortions. Adopted 231-184: N(3-2-0), September 22, 1983.

335. H.R. 3913. Labor, Health and Human Services, Education Appropriations, Fiscal 1984. Wright, D-Texas, amendment to add $300 million to the bill for job training and education programs. (The amendment was originally to add $400 million but was reduced to $300 million.) Adopted 302-111: Y(2-3-0), September 22, 1983.

336. H.R. 3913. Labor, Health and Human Services, Education Appropriations, Fiscal 1984. Passage of the bill to appropriate $96,466,088,000 in fiscal 1984 for the departments of Labor, Health and Human Services, and Education and related agencies. Passed 310-101: Y(2-3-0), September 22, 1983.

337. H.R. 3962. Export Administration Act. Bonker, D-Wash., motion to suspend the rules and pass the bill to extend authority under the Export Administration Act of 1979 from Sept. 30 until Oct. 14, 1983. Motion agreed to 410-0: Y(5-0-0), September 27, 1983. A two-thirds majority of those present and voting (274 in this case) is required for passage under suspension of the rules.

338. H.R. 1010. Coal Pipeline Act. Vento, D-Minn., amendment to mandate that affected states establish an interstate compact to determine the sale or diversion of water to coal slurry pipelines and to clarify rights of downstream states. Rejected 162-257: N(2-3-0), September 27, 1983.

339. H.R. 1010. Coal Pipeline Act. Passage of the bill to grant federal power of eminent domain to certified coal slurry pipeline companies. Rejected 182-235: Y(3-2-0), September 27, 1983.

340. H.J. Res. 364. Multinational Force in Lebanon. Adoption of the rule (H. Res. 318) providing for House floor consideration of the joint resolution to provide statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon for up to 18 months after enactment of the resolution. Adopted 306-91: NV(3-0-2), September 28, 1983.

341. H.J. Res. 364. Multinational Force in Lebanon. Long, D-Md., substitute to require the president to invoke the War Powers Resolution by the end of November, or at the end of any month thereafter, unless he certified to Congress that a cease-fire was in effect and was being observed and that significant progress was being made in negotiations to broaden the base of the Lebanese government and to achieve a political resolution of existing differences. Rejected 158-272: Y(2-3-0), September 28, 1983. A "nay" was a vote supporting the president's position.

342. H.J. Res. 364. Multinational Force in Lebanon. Passage of the joint resolution to provide statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon for up to 18 months after the enactment of the resolution. Passed 270-161: N(2-3-0), September 28, 1983. A "yea" was a vote supporting the president's position.

343. H.J. Res. 368. Continuing Appropriations, Fiscal 1984. Passage of the joint resolution to provide continued funding, through Nov. 15, 1983, for government agencies whose regular fiscal 1984 appropriations bills had not been enacted. Passed 261-160: NV(3-1-1), September 28, 1983.

344. H.R. 3929. Federal Supplemental Unemployment Compensation. Campbell, R-S.C., motion to recommit the bill to the Committee on Ways and Means with instructions to extend the current program of federal supplemental unemployment compensation for 18 months, with maximum benefits going to states with the highest unemployment rates. Motion rejected 141-278: N(2-2-1), September 29, 1983.

345. H.R. 3929. Federal Supplemental Unemployment Compensation. Passage of supplemental unemployment compensation for 18 months, with maximum benefits to jobless workers who have exhausted all other state and federal unemployment compensation benefits to jobless workers who have exhausted all other state and federal unemployment benefits, and to extend for 45 days authority to continue payments of Social Security disability benefits to a recipient during the recipient's appeal to an administrative law judge of a decision to terminate the recipient's benefits. Passed 327-92: Y(2-2-1), September 29, 1983.

346. S. 602. Radio Broadcasting to Cuba. Passage of the bill to establish a service under the Voice of America, to be called "Radio Marti," to broadcast news and information to Cuba, and authorizing $14 million in fiscal year 1984 and $11 million in fiscal 1985 for the station's operations. The bill also authorized $54.8 million each year for modernization of Voice of America broadcast facilities. Passed 302-109: Y(3-1-1), September 29, 1983.

347. H.R. 3415. District of Columbia Appropriations, Fiscal 1984. Adoption of the conference report on the bill to appropriate $600,811,600 in federal funds for the District of Columbia in fiscal 1984, and $2,178,086,600 from the District's own treasury. Adopted 231-177: NV(1-2-2), September 29, 1983. The president had requested $569,590,000 in federal funds and $2,147,013,000 in District funds.

348. H.R. 3231. Export Administration Act. Bonker, D-Wash., substitute, for the Hughes, D-N.J., amendment, to maintain most of the new law enforcement authority granted to the Department of Commerce under the bill, but prohibit Commerce officers to make arrests without a warrant. Rejected 164-246: Y(2-2-1), September 29, 1983.

349. H.R. 3231. Export Administration Act. Hughes, D-N.J., amendment to strike provisions of the bill granting new law enforcement authority to the Department of Commerce. Rejected 160-243: Y(2-2-1), September 29, 1983.

350. S.J. Res. 159. Multinational Force in Lebanon. Passage of the joint resolution conforming to the Senate version, to provide statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon for up to 18 months after

the enactment of the resolution. Passed 253-156: N(1-3-1), September 29, 1983.●

A TRIBUTE TO THE SPECIAL SERVICE FORCE OF WORLD WAR II

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. COURTER. Mr. Speaker, it is an honor for me to recognize the Special Service Force, an elite combat unit comprised of American and Canadian soldiers whose morale and cohesiveness united Canada and the United States in World War II. The first international force of its kind met with great success under the joint leadership of Gen. Robert T. Frederick of the United States and Col. J.F. R. Akenhurst, Sr., of Canada.

Under the general and colonel's tutelage, the brave men of this unique force gained expertise as paratroopers, ski troopers, and as an amphibious unit during 10 months of intensive training in Montana, Virginia, and Vermont. Their first assignment in July 1943 was an invasion of the Aleutian Islands which proved to be a success. During the next year and a half the force won battle honors in Naples, Monte la Difensa, Anzio, Southern France, and Rome, to name a few. Each mission was executed with precision and confidence winning the respect of all forces in the war and playing a key role in the Allied victory.

The Special Service Force could not have been possible if it were not for the cooperation and friendship enjoyed between the United States and Canada. Nowhere else in the world have we witnessed such true comraderie between two nations. At a time when there is so much hostility and terrorism in the world, it is refreshing to know we can work in such close unity with our trusted friend, Canada.

To the men of the Special Service Force, you have my respect and admiration. Your job was difficult at best, yet you carried out every command with dignity. You faced each challenge courageously and you risked your lives for freedom. We owe you a great deal of gratitude and thanks.●

EXCLUSION OF HOMOSEXUALS SHOULD CEASE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. FRANK. Mr. Speaker, among the unjustifiable sections of our immigration law are those which exclude from America otherwise eligible immigrants on the grounds that they are homosexual. Last week, the U.S. Supreme Court declined to intervene in a case where a businessman, who has been a law-abiding, constructive resident of the United States since 1965, has been ordered deported because the Immigration and Naturalization Service does not like his private sexual behavior.

There are many legitimate grounds for excluding people from the United States, and the Federal Government has an interest in preventing those who would violate our laws or disturb our society from coming here. But to exclude responsible and decent people on the grounds of their sexual orientation serves no legitimate public purpose. Indeed, it threatens our concept of liberty by empowering Federal officials to act as inquisitors into the private sex lives of law-abiding adults.

As the Washington Post recently stated in a cogent editorial, "The provision makes no sense in this day and age."

The Circuit Court of Appeals did, in the case of Richard Longstaff—discussed in this editorial—overrule the district court's argument the Mr. Longstaff had lied when he denied having a psychopathic personality, but the circuit court then ruled that it had no choice under the law but to order Mr. Longstaff—who has been a responsible and positive resident to submit to deportation. The Post is right that Congress ought to change this law, and I ask that the Post editorial be printed here.

EXCLUDING HOMOSEXUALS

Richard Longstaff immigrated to this country from England in 1965. He settled in Texas and now owns clothing stores and hair-dressing salons in Dallas and Houston. But on Tuesday the Supreme Court let stand a court decision denying him citizenship because, when he entered the country, he answered "no" to the question "Are you afflicted with a psychopathic personality?" Mr. Longstaff is homosexual.

The courts deal with statutes enacted by Congress, and Congress clearly wanted to exclude homosexuals when the McCarran Act, with its archaic classification of mental disorders, was passed in 1952. The policy was reaffirmed in more specific language 13 years later when "sexual deviation" was added to the list of conditions resulting in exclusion. Since courts are unlikely to overturn the law on constitutional grounds, Congress ought to change the law. This provision makes no sense in this day and age.

Why do we exclude certain categories of immigrants from our country? Some are rejected for past criminal conduct, or because they have communicable diseases or will become public charges or threats to national security. Homosexuals as a class do not fit any of these descriptions. The medical profession has, for almost a dozen years, refused to consider this condition a mental disorder, and since 1979 Public Health Service doctors have refused to conduct medical examinations of persons suspected by the INS of being homosexuals.

The law, therefore, is now being enforced in an arbitrary and unfair manner. Some would-be immigrants are denied admission on the supposition of an INS officer, others because they are truthful. Those who steadfastly deny their homosexuality usually pass inspection as this man might have done had he not been honest on his citizenship application.

Sen. Alan Cranston has introduced a bill to remove homosexuals from the list of aliens who are automatically excluded, but there is little support from his colleagues. His proposal to end discrimination against this category of immigrants deserves better. Most Americans now view homosexuality on the part of consenting adults as a personal and private matter. It is neither an economic burden on the public nor a threat to the national health or security. It should not be grounds for automatic exclusion.●

THE TRADE DEFICITS: A SIGN OF ECONOMIC WEAKNESS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. OTTINGER. Mr. Speaker, late last week the Commerce Department announced that for the fourth month in a row, the Nation's trade deficit has exceeded its past level. In the beginning of the year, experts warned that unless strong action was taken to reduce the pressures on this deficit, our trade imbalance could increase from $69 billion in 1983 to $100 billion in 1984. But as the months continue to pass the cumulative deficit projections are increasing. Experts now predict that the trade deficit could expand by as much as 81 percent in 1984 to a frightening $126 billion.

For many months the Reagan administration has claimed this deficit is the product of our expanding economy. Its officials argue that we need only be patient and wait for the economies of our trading partners to catch up and our trade deficit will naturally shrink. This is far too simplistic an explanation to a very real and complicated problem. As a product of increasing budget deficits, high interest rates and an overvalued dollar, this trade deficit is crippling the manufacturing and export sectors of our economy. Since 1980, it has contributed to the loss of 2 million jobs and has caused the GNP to fall by 2 percent. If it is not reversed it will bring inevitable collapse to our tenuous economic recovery and wreak havoc with our industrial position and jobs.

While today's deficit is the product of many complex factors, steered by both internal and external forces, there is no doubt that it is intrinsically linked to President Reagan's economic policies. I vehemently opposed these programs from the beginning, realizing the destabilizing effects they would have on our economy and that of the free world. The administration's endorsement of Federal Reserve Board Chairman Paul Volcker's tight mone-

tary policy, combined with an assured fiscal policy, forced interest rates to skyrocket and brought with it a deep worldwide economic recession. The President's economic package, which slashed taxes by $136 billion a year while at the same time pouring billions of dollars into a wasteful Pentagon was, as Vice President BUSH aptly described it, "voodoo economics." Even with debilitating cuts in vital public programs such as job training, education and economic development, the decimated Federal Treasury produced $200 billion deficits which, according to Budget Director David Stockman, will continue as far as the eye can see.

The tight money and Federal deficits have produced and supported interest rates at historically high levels as private and public borrowers compete for scarce capital. These persistently high interest rates are in turn contributing to the trade deficit by creating an overvalued dollar and increasing the debts held by developing nations.

The high dollar has priced our exports out of competition in the international market. Its value, with respect to the currencies of our trading partners, is severely harming our industries' ability to compete with foreign products—turning our once affordable exports into luxury goods. The high cost of the dollar is also increasing the desirability for American consumers to purchase imports which, because of the weakness of foreign currencies in comparison to the dollar, cost less than American-made products. Many American manufacturers are responding to declining sales by pulling out of the United States and moving jobs and production overseas.

The interest rates are also contributing to the skyrocketing debts facing the Third World countries. As the servicing of their debts increase, the financial resources these nations need to build their economies is becoming desperately scarce. This directly affects the amount of imports they can afford to purchase from the United States. For example, between 1981 and 1983 our trade with 20 Latin American Republics, including Argentina, Mexico, and Brazil, switched from a $5.4 billion surplus to a $14.7 billion deficit. The increase of our total world trade deficit increased by $26.7 billion between 1982 and 1983—$11 billion of that gap is due to reduced trade with these nations. This drop in trade with Latin America alone has, according to the Federal Reserve Bank of New York, caused the loss of 250,000 jobs in our economy.

The high dollar is also affecting the economic health of our industrial allies. Many of the Western European nations point to its high cost as one of the greatest barriers to their economic recovery—the same recovery the Reagan administration promises will help reduce our world trade deficit. As the dollar increases so does the price other nations must pay for oil and petrochemical products, which are sold in dollars.

For instance, in April, West Germany payed 3.5 percent more in deutsch marks for a barrel of oil than it did only 3 months prior, even though the spot market price for oil has dropped 3 percent over the same period. High interest rates are also stalling an international economic recovery as our trading partners bolster their rates to head off the flight of capital to the United States. These higher rates mean that fewer industries are able to afford the capital investment needed to rebuild their facilities, create jobs and begin reducing the double-digit unemployment plaguing their economies.

The Congress must begin to ease the pressures of the expensive dollar and high interest rates in order to reduce the ballooning trade deficit. The only way to take such action is to begin eliminating the $200 billion Federal budget deficits by reversing the policies which caused them—Reaganomics. As an alternative to President Reagan's policies we must establish an economic plan which will reinvest money for productive uses. Funds need to be directed to industrial renovation and job creation. At the same time money must be pulled out of wasteful programs which fuel needlessly bloated Pentagon and create useless tax shelters. Our tax base must be restored and the Federal Reserve required to furnish sufficient funds to permit high production and lower interest rates. I have developed such a policy with 75 of my Democratic colleagues in the House, the national economic recovery project, which was endorsed by 153 Members of the House—a clear majority of Democrats.

This project seeks to address the inherent problems in our economy. To insure a lasting recovery we call for a policy which restores revenue and reestablishes equity to the Tax Code by insuring that every person and corporation pay their fair share; reduces the Pentagon budget to a level which will promote our national security without breaking the bank; increases spending for programs designed to create jobs and improve industrial production, and directs the Federal Reserve Board to finance a high production economy and to ease pressures on interest rates.

The group is in the process of putting together an omnibus legislative package, based on our objectives, which we hope to introduce in June. We firmly believe that this is the remedy Congress must prescribe in order to promote a full and lasting economic recovery. Econometric runs on this plan indicate that it works—it will not only reduce the Federal deficits below the Carter levels but will ease the pressures of the factors directly linked to them such as high interest rates, the strong dollar and increasing trade deficits.●

A TRIBUTE TO THOMAS ROSSELLI

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. COURTER. Mr. Speaker, it is an honor for me to pay tribute to Tom Rosselli, a man who gave so much to his community and Nation; a man of honor, courage, and undying spirit.

A businessman by trade, Tom was always very involved in community affairs. He devoted most of his time and energies to Boy Scouting and exemplified the true meaning of a Scout every day of his life with dignity and thoughtfulness.

Tom served his country in World War II and received the Bronze Star for merit in combat. He returned home and served as first commander of the Newton Memorial Post of the Veterans of Foreign Wars.

In 1958, when Tom lost his right arm in an accident, he did not let it slow him down. In fact, Tom mastered the game of golf singlehanded and achieved what many never do—a hole-in-one. For 10 years, Tom combined his passion for golf and devotion to scouting, and chaired the Annual Boy Scout Golf Outing held at the Newton Country Club to raise funds for Scouting of Morris and Sussex Counties.

Many boys have been able to enjoy the Scouting experience because of invisible heroes like Tom Rosselli. It is only fitting the golf outing be renamed the Tom Rosselli Scout Golf Outing in memory of this fine American.●

NATIONAL ORGANIZATION OF WOMEN HONORS BARBRA STREISAND

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. WAXMAN. Mr. Speaker, on June 6, 1984, the National Organization of Women (NOW) will honor Barbra Streisand with its highest tribute, the Women of Courage Award, for a lifetime of "unique and unusual courage."

Barbra Streisand's life has all the elements of a legend and has been recounted many times in all parts of the free world. Born in Brooklyn, NY, during World War II, her childhood was marred by the death of her father, Emanuel Streisand, when she

was 15 months old. Endowed with intelligence, creative talents, and a fierce will to succeed, Barbra Streisand became an instant success as an actress/singer in her very first roles. Beginning in 1962 when she won the New York Critics Award as best actress, Ms. Streisand has garnered awards in every field of entertainment—theater, film, television, music. Each success and even the rare setback has propelled Barbra Streisand into new challenges and accomplishments. Her work as a director, producer, writer, and composer has been an inspiration to other creative women who are entering these fields for the first time.

Always a perfectionist, always searching for new horizons and fulfillment, Barbra Streisand is now devoting her considerable talent and thought and much of her time to numerous philanthropic, educational, and social consciousness-raising projects.

Honoring the memory of her father who was an educator and scholar, Ms. Streisand has endowed the UCLA Medical School with the Streisand professorship of cardiology; also in his honor the Emanuel Streisand School, a day care center of young children, has been established at the Pacific Jewish Center in Santa Monica, CA. The Streisand Center for Jewish Cultural Arts at UCLA (Hillel) is a forum where great Jewish artists, scholars, and writers share their experiences with the public. Many other organizations have benefited from her interest and generosity.

In April 1984, Ms. Streisand dedicated the Emanuel Streisand Centre for Jewish Studies on the Mount Scopus Campus of Hebrew University in Jerusalem. The new centre houses the departments of the Bible, the Hebrew language, Hebrew literature, history of the Jewish people, Jewish thought, Talmudic studies, Yiddish and Jewish folklore.

In November, Barbra Streisand will be honored as the 1984 Scopus Laureate of American Friends of Hebrew University in recognition of her outstanding devotion to education.

In every corner of the globe where her films are seen and her music heard and where she has gone without official portfolio, Barbra Streisand is regarded as one of the best and brightest and "real" Americans our country has produced. As a humanitarian, she has proven the "people who need people" and share with people are the "luckiest people in the world."

I ask the Members to join me in saluting Barbra Streisand on this special occasion. We all look forward to enjoying the benefits of her many endeavors for a long time to come.●

THE VIETNAM VETERANS MEMORIAL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, an exhaustive General Accounting Office audit has now cleared the Vietnam Veterans Memorial Fund of allegations of mismanagement.

The findings are no surprise. The real issue has never been the memorial fund which has been routinely audited and routinely cleared.

The real issue was the allegations themselves and the real story was why a distinguished affiliate like WDVM here in Washington aired and publicized a series based on the allegations.

WDVM has reported the GAO findings. Perhaps now, they will turn the camera on themselves and report their own errors.

Perhaps now, those few who oppose the memorial design will limit the debate to the design itself and cease the vicious attacks on the memorial fund managers.

I have attached the summary of the General Accounting Office report. I urge my colleagues to review this important document.

REPORT BY THE COMPTROLLER GENERAL

DIGEST

GAO conducted a comprehensive audit of the financial operations of the Vietnam Veterans Memorial Fund, Inc., (the Fund) at the request of nine Members of the Congress. The Fund is the non-profit organization which was authorized by the Congress to erect the Vietnam Veterans Memorial on federal land in Washington, D.C. Serious questions and allegations had been raised publicly regarding the propriety of the Fund's financial operations and its accounting and reporting of those operations.

GAO found that the Fund's financial operations have been conducted in a proper manner and that the Fund has properly accounted for and adequately reported its receipts and disbursements. GAO also found that the prior audits of the Fund's operations were proper and that the numerous allegations raised regarding the Fund were not valid.

HISTORY OF THE FUND

The Fund was incorporated as a nonprofit corporation in the District of Columbia on April 27, 1979, with the purpose of raising funds for the erection of a monument to American veterans of the Vietnam war.

The President of the United States signed Public Law 96-297 on July 1, 1980, authorizing the Fund to erect the Memorial on a two-acre site near the Lincoln Memorial. While the Memorial was to be erected without government funds, the design was subject to the approval of the Secretary of the Interior, the Commission of Fine Arts and the National Capital Planning Commission. The Secretary of the Interior was also responsible for determining that adequate funds were available to complete the Memorial prior to groundbreaking and for assuming responsibility for maintenance of the Memorial after it is transferred by the Fund.

The Fund began a campaign in 1980 to obtain contributions for the Memorial from the American public through an extensive mail solicitation campaign and from veterans organizations, corporations, foundations, community groups, and others by personal contacts. The Fund hired professional fundraisers to assist it in these efforts.

In order to select a design for the Memorial, the Fund held a design competition in 1981 open to all Americans over 18 years of age. The winning design was a V-shaped memorial of polished black granite set below ground level. Each wall of the Memorial was to be 200 feet long and 10 feet high at the vertex. The names of the 57,939 dead and missing American casualties of the war were to be inscribed on the walls.

Major controversy over the design ultimately led to a compromise which added a flagpole and statue to the original design. After approval by the appropriate authorities, ground was broken on March 26, 1982. The Memorial wall was completed in October 1982, and dedicated at a National Salute to Vietnam Veterans during the week of Veterans Day, 1982.

The entire Memorial is still not complete as of May 1984. The statue must be completed and installed and various other items, such as lighting and expanded walkways, must be completed. The Fund anticipates that work will be complete and the Memorial transferred to the Department of the Interior by Veterans Day, 1984. The Fund then plans to terminate operations, after providing for future maintenance of the Memorial wall panels and the addition of names.

FINANCIAL CONTROVERSY

The Fund has been involved in a number of financial controversies regarding access to its books and records. A major contributor and a lawyer requested access to these records in 1981 and 1982, but were not permitted to make an examination.

In 1983, a television reporter began an investigation of the Fund's financial operations which culminated in a four-part television broadcast. The broadcast raised numerous questions regarding the propriety of the Fund's receipts and disbursements, its accounting for and reporting of its financial operations, its use of consultants, the level of its fundraising expenditures, its failure to meet standards for charitable organizations, "broken promises" to other charities, and other matters. As a result of this broadcast, GAO was requested by nine Members of the Congress and the Fund to perform an audit of the Fund records.

GAO began its audit of the Fund's financial activities on December 19, 1983; this examination, which was made, in accordance with generally accepted auditing standards included the following:

The books and records of the Fund.

Previous audits of the Fund.

Special auditing measures taken by the Fund.

Support for receipts and disbursements.

Propriety of the use of funds.

Allegations made regarding the financial management practices of the fund.

GAO FINDINGS

GAO found that receipts and disbursements have been properly accounted for and reported by the Fund. GAO conducted a detailed audit of receipts and disbursements and the results of this audit are summarized below. In GAO's opinion, this Summary of

Fund Receipts and Disbursements through March 31, 1984, presents fairly, on a cash basis, the receipts and disbursements of the Vietnam Veterans Memorial Fund from inception on April 27, 1979, through March 31, 1984.

Vietnam Veterans Memorial Fund, receipts and disbursements from Apr. 27, 1979 (inception) through Mar. 31, 1984

Receipts:	
Contributions	$8,333,941
Interest income	641,168
Other income	302,293
Total receipts	9,277,402
Disbursements:	
Memorial construction	3,843,548
Fundraising	2,580,034
National salute and dedication	533,182
Memorial promotion	312,485
Administration	989,323
Total disbursements	8,258,572
Assets available Mar. 31, 1984	1,018,830

RECEIPTS AND FUNDRAISING COSTS

GAO found that fundraising costs were reasonable in relation to receipts. While GAO cannot conclude that alternative methods of fundraising would not have produced greater contributions or a lower cost, it is GAO's opinion that, given the requirements of the law that ground be broken within five years of the enactment of the law and that sufficient funds for the completion of the Memorial be available prior to ground breaking as well as the decision to seek widespread contributions from the American public using professional fundraisers, the fundraising costs of the Fund are reasonable in light of the receipts. In addition, the overall relationship of fundraising costs to receipts is in compliance with the Better Business Bureau standards for charitable organizations.

DISBURSEMENTS

GAO found that the disbursements made by the Fund were for goods and services received and were properly supported by documentary evidence. GAO also concludes that the disbursements of the Fund were for activities consistent with its charter and its publicly announced purposes. The costs incurred by the Fund were, as in any organization, influenced by management decisions and while GAO cannot state that alternative management decisions would not have reduced costs, GAO has no disagreement with the management decisions which were made. In addition, the overall relationship of the costs incurred to receipts is in compliance with the Better Business Bureau standards for charitable organizations.

PRIOR REPORTING AND AUDITS

GAO found that prior financial audits of the Fund had been properly conducted in accordance with generally accepted auditing standards by the independent public accountants. GAO also found that the special "audit committee" was formed for the specific purpose of considering the requests of outsiders for access to the records of the Fund and that, while the committee did not function as a typical audit committee of a board of directors, its operations were adequate given its special purpose. GAO found no evidence that prior financial reports, including the report to the Congress, were inaccurate or misleading. GAO also concludes that the Fund did not, in fact, conceal its financial information but distributed it to many groups and individuals.

OTHER ALLEGATIONS

Numerous questions and allegations have been raised regarding the financial operations of the Fund. These questions and allegations are listed in app. XI. Many of the questions were raised in the investigative reporter's television broadcast on a Washington, D.C., television station. During the course of the audit, GAO interviewed most of the persons who were presented during the television series on the Fund. Certain of these individuals raised additional questions regarding the financial propriety and managerial integrity of the Fund's operations. GAO investigated each of these matters and found that they were not supported by the facts. GAO's investigation of these matters did not reveal any improper or illegal actions by the Fund, its officers or its directors.

FUND COMMENTS

The officers and directors of the Fund have reviewed our report and agree with our conclusions. See app. XII for their specific comments.●

THE 1984 YOUNG CAREER WOMAN OF NEW JERSEY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. COURTER. Mr. Speaker, I would like to take a moment to recognize Elizabeth J. Thomas of Lawrenceville, NJ, who was selected Young Career Woman of New Jersey by the National Association of Business & Professional Women.

Liz competed in, and won, a local competition and the district finals before capturing top honors at the State level. She was judged on her professional background, her speechmaking ability, and her participation in panel discussions and a series of interviews. Her intelligence and quickness were confidently demonstrated in all categories.

Liz's efforts in the competition, as well as in her career serving as assistant press secretary to the Governor, deserve distinction and praise. Through hard work, this Moravian graduate has earned the respect of her colleagues as well as recognition by the National Association of Business & Professional Women, displaying exceptional ability in her chosen profession.

I congratulate Liz on this deserving achievement—one she should be most proud of. She possesses the talent, drive, and desire necessary for a successful career. Her accomplishments stand as an inspiration to all young women.

New Jersey can look forward to a bright future having individuals like Liz Thomas in the State.●

POSTAL RATE AND REGULATORY DISCRIMINATION AGAINST THE PRINT MEDIA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. McEWEN. Mr. Speaker, I am submitting for the RECORD the following letter I received from Mr. William A. Metais who is president of the Ohio League of Home Dailies and employed by the Wilmington News-Journal of Wilmington, OH. This letter is being offered because of its concise and well articulated description of the discrimination faced by the print media from postal rates and regulation. These difficulties are called to the attention of all of my distinguished colleagues especially at this time of tremendous economic stress on our vital print media.

THE WILMINGTON NEWS-JOURNAL,
Wilmington, OH, March 9, 1984.

U.S. Representative BOB MCEWEN,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MCEWEN, I would like to bring to your attention a matter of strong concern for daily and weekly newspapers in your district and throughout the United States.

Over the last few years, an imbalance in postal rates combined with unfair postal regulations has occurred. The problem is a postal rate structure which gives substantial discounts and advantages to Third-Class bulk mailing houses.

For instance:

If I mail a First-Class letter, one ounce costs me 20¢ in postage.

If I mail a First-Class letter that weighs 4 ounces, my postage would be 71¢

By contrast, if I operate a Third-Class mailing operation, I can mail that same 4 ounces for 7.4¢.

As you can see, the Postal Service, in its drive to gain new customers, has created a tremendous rate discount for bulk mailers.

Why should the individual customer pay 20¢ to mail one ounce, when a bulk mailer pays only 7.4¢ to mail 4 ounces? It is only costing the bulk mail house approximately 2¢ per ounce, while the individual is paying 20¢ per ounce. Quite a difference!

As a result of these tremendous discounts, First-Class postal customers are in fact, subsidizing Third-Class mailers. And, as the Postal Service had intended, many stores are taking their advertising circulars out of the nation's newspapers and delivering them under the subsidized Third-Class postage rates.

Because we are tied to anti-trust laws, newspapers cannot band together to discuss prices, and no individual newspaper can even start to offer to their customers the millions of households that a national bulk mail house can offer with the cheap Third-Class rates.

In addition to this, I also feel that postal regulations strongly favor Third-Class mailers.

For example: The Postal Service regulations let bulk mailers deliver several pieces of mail at a time using only one address label or card. Because newspapers are classi-

fied as second class matters, we are required to have labels affixed on each individual piece. This requirement has cost newpapers many additional dollars in equipment and labor.

According to the latest figures I have seen, newspapers are, collectively, one of the nation's largest employers. They are a labor intensive business, with high overhead to support large numbers of writers, photographers and printers. Most of America still receives the majority of its state and local news from the local newspaper. Thus, America's daily and weekly newspapers perform a tremendous service which is important to the functioning of our society.

The truth is, the current Postal Service rate structure and regulations are putting many newspapers under severe financial strain, as our advertisers rapidly turn in numbers to Third-Class mail for the delivery of their advertising circulars. We are in fact, competing with the United States Postal Service for advertising dollars. A battle that we cannot win.

If Third-Class rates are not raised to reasonable levels and regulations are not changed soon, at worst, some newspapers will be closing their doors. At best, your daily and weekly newspapers will become thinner, with less news and fewer employees.

Even though the Postal Service has filed an application to raise Third-Class rates by 28 percent, this still would only amount to less than 10 cents for 4 ounces. Still a huge discount. I would like to make it clear that I am not saying that the Postal Service should raise its Third-Class mail even with First-Class. I am only asking that the rate differential between the two not be so great.

I strongly urge your assistance on this matter to raise Third-Class mail rates up to a more competitive level and impose regulations that are more fair. If 20 cents an ounce is fair for First-Class mail, I am suggesting that at least 10 cents an ounce is fair for Third-Class. If Third-Class mailers are allowed to mail several pieces of mail with only one address label or card affixed, then I say newspapers should also be able to do this.

I only ask that you vote your conscience. Thank you for your support.

Sincerely,

WILLIAM A. METAIS,
President, Ohio League of Home Dailies.●

DR. MICHAEL ZAZZARO HONORED BY HARVARD

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mrs. KENNELLY. Mr. Speaker, Dr. Michael J. Zazzaro of Newington, CT, has recently received the 1984 Distinguished Alumni Award from the Harvard Dental School for his service to his community through his professional work, and for his other numerous activities designed to improve the quality of life of those around him.

Dr. Zazzaro's career has spanned half a century, and while he has retired from his dental practice, he has continued to remain active in his community. He has been the recipient of numerous distinguished service awards, one being awarded on November 10, 1983, by the Connecticut State Dental Association—the Fones Award and Medal. The Fones Medal is presented to an individual for outstanding contributions, achievements, and dedication to the science and/or practice of dentistry or for outstanding achievement in the interest of humanity.

Dr. Zazzaro earned the Fones Award on both counts, and I congratulate him for this and for the most recent recognition of his long and distinguished career. I am inserting in the RECORD at this point an article from the New Britain Herald on the Harvard award.

[From the New Britain (CT) Herald, May 3, 1984]

LOCAL DENTIST HONORED

NEWINGTON.—Dr. Michael J. Zazzaro, D.M.D., of Newington received the Harvard Distinguished Alumnus award at the university's School of Dental Medicine's recent Alumni Day.

Dr. Paul Goldhaber, dean of the dental school, presented the award to Dr. Zazzaro, citing him as having "for almost 50 years zealously served Connecticut and the northeast region as practitioner, dental examiner and skillful leader of organized dentistry." Dr. Zazzaro graduated from the school in 1936 and his career in dentistry, government, and politics has spanned half a century.

He has been president of the Hartford Dental Society, the Connecticut State Dental Assn., the New England Board of Higher Education, commissioner of the Metropolitan District Commission, president and incorporator of the Connecticut Dental Service Corp., chairman of the Hartford Democratic Town Committee, a member of the Democratic State Central Committee, and a two-time delegate to the Democratic National Convention.

Dr. Zazzaro retired from his general dental practice in 1980 and has continued his consulting and membership activities.●

COMMUNIST TERROR FOLLOWS REFUGEES INTO THAILAND

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. McCOLLUM. Mr. Speaker, the Vietnamese Government has committed another barbaric act against the Thai people. On May 2, a Vietnamese artillery shell landed in the village of Ban Charat in Surin Province within the Thai border. It exploded among a group of inhabitants, killing at least one person and injuring many others. During the weeks prior to this attack the Vietnamese had launched an aggressive campaign along the Thai-Kampuchea border. Numerous refugee camps were bombed with the most notable being the pro-Western headquarters of Son San, Ban Si Ngae, in which 50 people were killed and a further 30 were wounded. The total number of refugees who have been forced to leave their home country and flee across the border into Thailand as a consequence of the Vietnamese offensive is in excess of 110,000 people. The May 2 attack was the continuation of an earlier Vietnamese offensive against the Kampuchean people. The senseless violence and terror which they experienced in their home country has followed them to Thailand and once again the Vietnamese are threatening the security of a country with whom they are not at war.

This horrifying attack against innocent people is just one example of the many atrocities that Vietnam and other Communist governments around the world are carrying out in their unending effort to create world communism. The fact is that after 9 years of living under the Communist regime Vietnam has proven once again that those who promise to liberate all people from poverty and oppression end up imposing a far worse form of tyranny than was present before. Instead of the truly liberated society the Communists promised to deliver there is one in which religious worship is persecuted, private property is confiscated, and those who voice opposition to the regime are quickly and severely punished. This is the reality of communism. It is just another totalitarian system and as all other totalitarian systems that have existed in the past, it seeks to attain world domination. Instead of creating a classless society in which the state disappears through lack of necessity, communism not only exacerbates the division between the classes but perpetuates the need for a giant and powerful state. The reality of communism is not a utopian society in which all individuals work for the good of the whole, but rather in which a few individuals subjugate the will of the whole for their own good.

We as the champions of freedom must vehemently condemn Vietnamese action in Kampuchea and do all that is necessary to continue to assist the Thai Government in their heroic effort to house, clothe, and feed the thousands of refugees fleeing Communist terror.●

DEDICATION OF FACILITIES FOR DISABLED CHILDREN IN HONOR OF MRS. RUTH MOTT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. KILDEE. Mr. Speaker, on June 2, there were dedication ceremonies held for the Ruth Mott Play Environment for Disabled Children of the Learning Garden for the Disabled in Flint, Mich. The play environment and garden are located at Durant-

Tuuri-Mott Elementary School, and the contributions making them possible were donated in honor of Mrs. Ruth Mott by her family and friends. I am pleased to call this commemoration to Mrs. Mott to the attention of the Congress, and to provide a brief review of Mrs. Mott's record of civic service. I am including here the text of the dedication program, which outlines Mrs. Mott's role as an educator, civic leader, and patron of the arts.

DEDICATION PROGRAM

The dedication of the Ruth Mott Play Environment for Disabled Children and Learning Garden for the Disabled is a fitting tribute to Mrs. Ruth Mott.

Long an advocate of physical education and a lover of nature, the playground and garden will serve as a permanent reminder of her many contributions to Flint.

Ruth Rawlings Mott is recognized as an educator, civic leader and patron of the arts in Flint where her long history of volunteer service is well known throughout the community.

Most recently she has found time to begin the restoration of the grounds and formal gardens of Applewood, built in 1918 by her husband, philanthropist and industrialist Charles Stewart Mott. The house has been named to the National Register of Historic Places.

It was her early career as a teacher of physical education that set the stage for Mrs. Mott's long interest and involvement in the health and well-being of children.

The play environment was initiated by her children, Maryanne and Stewart Mott, who worked with City of Flint officials to develop "something special" to commemorate Mrs. Mott's 80th birthday.

Designed by John Page, an architect who has done about 15 play environments specializing in interconnected equipment, the area encourages a high level of imagination and novelty play experience.

The design addresses the specific needs of the handicapped child by providing learning areas that encourage socialization among youngsters with restricted mobility and reduced stamina. It challenges them to develop new skills that can build a sense of self-confidence and satisfaction.

It is the only public structure of its kind in the country. Located at Durant-Tuuri-Mott School, it will be programmed by the Flint Board of Education. Durant-Tuuri-Mott School is the magnet school for the handicapped.

Nearby, at the Easter Seal Society, the Ruth Mott Learning Garden for the Disabled in designed to provide a horticultural experience for people of all ages. Over the last 20 years, therapists have learned that working with plant material is one of the most rewarding experiences for clients of all ages and of almost any disability.

The Learning Garden is equipped with raised earth beds, specialized tools and gardening equipment for those with disabilities. Outside work spaces are provided and a new greenhouse and special horticultural therapy room allow year-round use of the facility.

Programming for the Learning Garden will be coordinated by the Easter Seal Society, which has been experimenting with horticultural therapy for several years.●

A TRIBUTE TO HELEN HORACK

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. COURTER. Mr. Speaker, "A teacher affects eternity; he can never tell where his influence stops." For many, the name Helen Horack comes to mind reading Henry Brooks Adams quote. For 50 years, Helen, known to most as Mrs. Horack, has epitomized the true meaning of an educator; one who instructs to develop mentally and morally. Her philosophy has been simple, direct and successful, teaching children basic knowledge and skills they have used throughout their lives.

As an elementary teacher, Helen projected integrity, honesty and understanding, qualities all her pupils could emulate. She taught her students the importance of respect and discipline while teaching them their A-B-C's.

On Sunday, June 10, former students and parents are honoring this fine lady who has given so much to the Clifton school system for half a century. Helen's high standard of excellence has proved to be an asset for the entire community.

Helen not only taught classes, but was elected to the board of education, formulating school curriculum. She sat on the executive board of the Home & School Association as well as being a Brownie Troop assistant.

Helen has helped build America's future. We owe her a debt of gratitude and thanks for the years of love and devotion she gave those around her. I know all those fortunate enough to be in one of Helen's classes will attest the fact that Mrs. Horack made learning fun.●

PORTER'S POSITION ON THE MX MISSILE AND ARMS CONTROL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. PORTER. Mr. Speaker, recently the newspapers in my district ran a guest columnist article by Mr. Gene Podulka, who is the cochairman of the 10th Congressional District nuclear weapons freeze campaign, regarding my position on the MX missile and arms control. The following is my response to Mr. Podulka's article:

The current debate now being conducted over the merits of the MX missile is healthy, and one that I consider to be extremely important. Nuclear weapons are unfortunate facts of modern life, and difficult decisions must be made to assure that the United State's nuclear arsenal provides the deterrence necessary to keep the Soviets from perceiving that they have something to gain by launching a nuclear attack.

Mr. Gene Podulka's Guest Columnist article, which recently appeared in this publication, referred to my letter to a constituent in which I explained my current thoughts on the MX. I'm afraid that a major emphasis of that letter was lost in Mr. Podulka's exerpt. In that letter, I said that "as I have stated since accepting the recommendations of the Scowcroft Commission, the basic issue revolves around the fact that, in my judgment, U.S. defenses need a deterrent beyond that provided by the Minuteman II's and III's."

This statement's accuracy becomes apparent in light of the determined investment by the Soviet Union to modernize their land-based nuclear force. The Soviet ICBM force has grown to nearly 1,400 re-usable launchers carrying over 5,000 warheads, with a throw-weight of about four times the current U.S. ICMB force. More than half of the Soviet ICBMs—the SS-18, SS-19, and SS-20 missiles— have been deployed since the last U.S. ICBM was deployed. These new Soviet ICBM's are equipped with highly accurate multiple, independently tarteted reentry vehicles, and pose a substantial threat to our security.

I have supported funding only for a limited number of MX missiles (100). I support such funding only for a limited time—until the smaller, more stabilizing, single warhead, Midgetman missile can be developed and deployed. In my judgment, this prudent act will provide for our national security, especially in a time of great internal upheaval in the Soviet Union that as a resulted from two quick changes in Soviet leadership in the past three years. The MX missile, and the proposed Midgetman, help to provide for our national security by insuring the credibility of our land-based deterrent force.

On the larger scale, I believe that the United States' highest priority should be the adoption of a workable strategy to achieve a bilateral, verifiable ban on the testing and production of nuclear weapons as a first step toward eventually reducing the numbers of nuclear weapons on both sides. For this reason, I have supported the nuclear freeze, not simply as an end in and of itself, but as a first logical step toward mutual, verifiable arms reductions. Last year, I also supported the guaranteed build-down, but not—as some suggest—as a way to weaken the intent of the freeze. On the contrary, incorporating the guaranteed build-down concept into the freeze would have shown our country's willingness to offer a realistic and workable arms control proposal as a means of reducing the numbers of nuclear weapons in our arsenals.

Though the House did not adopt the build-down prior to the Soviets walking out of the Geneva START and INF talks, the Administration accepted the guaranteed build-down strategy and incorporated it in our negotiating strategy. It is unfortunate that the Soviets walked out of the negotiations. I beg to differ with Mr. Podulka's view that the Soviets walked out of Geneva simply because we deployed the Pershing IIs in Europe. The Soviets put into place more than 350 SS-20's in Eastern Europe and the Soviet Union. The deployment of Pershing and cruise missiles resulted from NATO's decision to upgrade and modernize our land-based deterrent in Europe. As keen students of our political system, the Soviets, in my judgment, walked out of Geneva for political, not substantive reasons.

In order to achieve short-term security, I believe that it is necessary to continue with a limited MX deployment until the Midgetman missile can be produced and deployed in the early 1990's. I also believe, as I have said repeatedly, that it is essential to peace to pursue a verifiable arms control agreement to preclude the possibility of a nuclear exchange. But, we cannot, as Mr. Podulka apparently believes, perform unilaterally on our part the essence of a freeze agreement, while the Soviets continue to deploy highly accurate ICBM's in large numbers.

I continue to carefully consider all of the points on both sides of this debate, and I look forward to continuing to have the input of my constituents in the vital decisions that must be made regarding our nation's security.●

A TRIBUTE TO HARRY P. MORELL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Ms. KAPTUR. Mr. Speaker, on June 7, my community will be honoring one of its longtime trade union leaders, Harry P. Morell. Prior to his retirement earlier this year, Harry Morell had been a leader in the building and construction trades in northwestern Ohio for more than 30 years. His tenure as executive secretary of the Northwestern Ohio Building & Construction Trades Council spanned more than two decades and was marked by a steady commitment to jobs creation and job security for our area's skilled trademen.

We in northwestern Ohio are very proud of our skilled tradesmen and our construction industry. We know that the economy of the region is integrally related to a healthy and productive construction industry. This requires a well-trained, reliable labor force. Thanks in large part to Harry Morell, this has been the case in northwest Ohio.

Harry Morell's dedication to the greater Toledo community goes beyond his service to organized labor. Included in his civic responsibilities are memberships in: Active Executive Board of the Toledo Zoo, Commission on Community Development, Labor-Management-Citizen's Committee (LMC), Lucas County Improvement Committee, Toledo Area Transit Authority, Board of Directors of the Toledo Community Chest, City of Toledo Affirmative Action Citizens Advisory Committee, Toledo Area Affirmative Action Program, and a trusteeship in Goodwill Industries.

In 1940, Harry P. Morell became a journeyman painter. Since that time, he has worked to make the greater Toledo area a better place in which to live. I know my colleagues in the House of Representatives join me in congratulating Harry P. Morell, his lovely wife, Fawn Ruth, and his entire family. We wish them the very best in the future.●

A TRIBUTE TO PERRY A. RIVKIND

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. PEPPER. Mr. Speaker, on June 12 Mr. Perry A. Rivkind, the newly appointed District Director for the Immigration and Naturalization Service of the United States, will be the guest of honor at a luncheon hosted by the Scopus Lodge and the B'nai B'rith. On that occasion Mr. Rivkind will be the first recipient of the B'nai B'rith's Shalom Award.

The Shalom Award is a distinctive honor. It is based on the concept:

> The greatest and noblest of men have lived and died in the sacred labor of improving the conditions of the human family . . . of removing the barriers that divide the children of God . . . of promoting knowledge, compassion and virtue to bring forth the divine in man. Good men have no other purpose.

That Mr. Rivkind, a relative newcomer to the Miami community, should be chosen as the first honoree is a tribute to the impact that he has had on Dade County. I know Mr. Rivkind personally and I can say unequivocally that he is an outstanding recepient who meets the high standards that are embodied in this award.

Mr. Rivkind has been with the U.S. Department of Justice since 1968 where he has had a long and distinguished career as a public servant. He has been associate professor of law enforcement at Pennsylvania State University and lecture of police science and criminology at various colleges and universities.

Mr. Rivkind attended Florida Atlantic University in Boca Raton and graduated from Florida State University where he studied criminology and corrections. He began his law enforcement career in the Dade County Police Department in 1958 and also held various positions in the office of State attorney in Miami.●

SOVIET JEWS DENIED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. FRENZEL. Mr. Speaker, I would at this time like to speak on behalf of Soviet Jews in the Congressional Call to Conscience Vigil.

In spite of the efforts of the President, the Members of Congress and the National Conference on Soviet Jewry and its local affiliates, and in spite of universal condemnation of the U.S.S.R.'s denials of emigration rights, Soviet Jewish emigration continues to decline. In 1983, Soviet emigration declined to its lowest level in more than a decade. Only 1,315 individuals were allowed to emigrate last year, 50 percent fewer than in the previous year and 97 percent fewer than in 1979.

I recently received a letter, carried from Moscow by an American visitor, from a Soviet Jewish writer who submitted 150 requests for permission to emigrate over a 7-year period. He writes:

> You, Mr. Frenzel, are one of the people who understand perfectly well that slavery still exists in this world in both spiritual and physical form. In this "most progressive" society where I was born, I cannot publish a word. Neither have I the right to read the books I need for my writing. Foreign broadcasts are jammed. I cannot go where I want, nor can I receive letters from writers and relatives.

Yet this Soviet Jew refuses to give up hope. In a letter to his sister in the United States he writes:

> We are so glad to see the firm position of the U.S. President toward the U.S.S.R. even though refuseniks have fallen prey to this policy. Soviet Government takes vengeance on Soviet Jews. But even we know that the American policy is right and that there are some Americans who do not understand the necessity of being strong when you have to deal with the Soviet Union. They condemn their President's actions instead of supporting him.

Mr. Speaker, I believe that this courageous refusenik says it all. Today we admire the courage and perseverance of this man, and we reaffirm our support for all Soviet Jews struggling for their rights—rights which are supposed to be guaranteed under the Soviet law and the Helsinki accords.

I commend also the agencies, and their many volunteers, who have never ceased their tireless efforts on behalf of the Soviet Jews. We in Congress must exhibit the same fervor and the same constancy that they have shown. It is my hope that these vigils are a demonstration, and a strong symbol, of our refusal to accept this terrible injustice.●

ONE MAN CAN MAKE A DIFFERENCE

HON. BUDDY ROEMER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. ROEMER. Mr. Speaker, on Wednesday an outstanding group of young people known as the Arl-La-Tex Youth Chorus will give a performance on the steps of the Capitol. I would like to take this opportunity to invite all my colleagues in the House to take the time to enjoy this marvelous collection of young voices.

Wednesday's performance also will represent the crowning achievement in the musical career of an extraordinary man who has given his time, energy and talents to this choir.

For the past 10 years, Dannal J. Hawkins of Bossier City, LA, has served as leader of the chorus, composed of young singers between the ages of 13 and 19 who share a common love of music and devotion to God. Under his direction, these youngsters regularly perform at churches around the local area. During his tenure, the chorus also has had a chance to visit various parts of our country, including Tennessee, New Mexico, and Texas. This year's tour, Dan's last as chorus director, is highlighted by a 4-day stop in our Nation's Capital.

Mr. Speaker, many talented and enthusiastic choirs, bands, and other musical groups have entertained us from the Capitol steps over the years. But none has been led by someone more dedicated or courageous than Dan Hawkins. For the past 10 years, he has directed the chorus—without any financial remuneration—while suffering the debilitating effects of multiple sclerosis.

We can all learn a lot from Mr. Hawkins' example, I think. His talent, his love of music and his concern for our young people certainly set him apart. All those teenagers he taught, all their parents, all those who lives he touched realize that. They also know that one man can make a difference, that one man can make the world a much better place.●

TRIBUTE TO MACHITO

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. GARCIA. Mr. Speaker, recently the Latin and musical communities suffered a great loss. Machito, whose real name was Frank Grillo passed away leaving a musical legacy behind. Machito was more than a great talent, he was an innovator in musical techniques and in crossing cultural boundaries. He was best known for bringing a Latin beat to jazz, and for being the first to add the conga drum to a dance band.

Machito was Cuban born and immigrated to the United States in 1937. Originally he worked as a backup singer and a maracas player in Cuba. When he immigrated to America he refused to give up his musical or cultural heritage. Machito quickly fell in love with the big band sound of swing. Applying his musical genius to the craft he loved so much, he created his own band called the Afro-Cubans made up of both black and Latin musicians. With this culturally diverse band he introduced his special sound to America, which has come to be known as Salsa. Machito's influence can still be heard in the musical community today.

Machito performed in both Latin dance halls and jazz clubs. He shared his talents with other greats such as Dizzy Gillespie, Charlie Parker, and Xavier Cugat.

With arrangements by the trumpeter Mario Bauza, Machito and his band soon had America dancing to his new exciting sound. In the late 1940's and the 1950's, New York's Palladium Ballroom became a center for dancing to Latin music due to Machito's influence. He served as an example for many great Latin musicians, among them Tito Puente. In 1982, his album "Machito and His Salsa Band" won a Grammy Award. Machito was a man loved by many and admired by all.●

DISAPPOINTMENT EXPRESSED WITH H.R. 3282

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. VENTO. Mr. Speaker, I regretfully voice my disappointment with H.R. 3282, as reported by the Committee on Public Works and Transportation. I am a cosponsor of the original H.R. 3282, a bill which would have renewed and strengthened the Clean Water Act. The current version lacks those provisions from the original which would have improved protection of our waters and, instead, includes proposals that would ironically weaken our existing clean water efforts.

Provisions which would have provided additional protection for wetlands, retained tough water-quality standards, and established enforceable limits on toxics in our waters have all been removed from H.R. 3282. These provisions are critical to improving water quality.

Additionally, efforts to control water pollution would be weakened by amendments which were added to H.R. 3282. For example, H.R. 3282 would: allow 10-year permits which could delay pollution cleanup; delay critical controls on toxics; and, grant special exemptions for various firms. These provisions, along with others in H.R. 3282, would weaken current clean water programs.

Of particular concern to me is the extension of industrial discharge permits from 5 to 10 years. This provision does not insure that pollution-control requirements keep pace with water-quality needs. If water quality degradation is occuring on a stream, no upgrading can occur until the permit expires, which could last nearly a decade. Additionally, if the water quality standards for a given stream are upgraded by the States, compliance with those standards cannot be enforced until the permit has expired. Waters will be exposed to degradation for as many years as are left on the permit, which now would be 5 years longer than under current law.

On the positive side, there are some potentially beneficial new programs in H.R. 3282. Real improvements in water quality could be achieved if they received adequate funding. Unfortunately, similar existing programs have not received adequate appropriations from Congress. Faced with an increasing Federal budget deficit, the likelihood of Congress appropriating significantly more and necessary funds appears slim.

The net effect of H.R. 3282 is a weakening of current cleanup efforts today, in exchange for promises of new programs in the future. The practical affect of this tradeoff will result in water quality that is worse, not better, than it is now.

We are at a critical time for restoring our water quality. Rivers are still plagued by industrial chemicals, and runoff clogs our streams with sediment. Wetlands are destroyed at an estimated rate of 450,000 acres a year. We need to continue our efforts to meet the fishable/swimmable standards set on 96 percent of Minnesota's waterways. The American people want their water cleaned up and they look to Congress to move efforts forward. I will actively support efforts to strengthen H.R. 3282 to achieve those goals.

I look forward to working with the Public Works Committee and the Congress to develop clean water legislation that will strengthen our current law and move forward our efforts to clean up the Nation's waters.●

A DADE COUNTY COMMUNITY RATED ONE OF THE SAFEST

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, these days so many people, especially residents in and around big cities, live in fear of crime. This fear is sometimes heightened by the news media's constant portrayal of violent crime in urban centers such as Miami. True, crime is a problem in Dade County as in all large urban areas, but there is another side to the story. Many communities in the Miami area have been increasingly successful in the battle against crime. Mr. Speaker, I want to share with my colleagues the story of one of these communities, Biscayne Park.

Biscayne Park, a town in my congressional district and home to my wife and me, has been rated as the fifth safest community in the United States. This rating was based on sources such as FBI crime statistics and is published in an article in the June 19 edition of Family Circle magazine. The survey was prepared for a soon-to-be published book "Safe Places for the Eighties," by the article's authors, David and Holly Frank.

With much civic pride, I would like to recognize the accomplishments of our mayor, Ed Burke, and Chief Dan Marx and his small but dedicated police force. It is encouraging for all of us to know that communities in south Florida can contain crime as well as any other community in the country.●

THE KREMLIN CRITICIZES LANE KIRKLAND OF THE AFL-CIO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. KEMP. Mr. Speaker, the following article observes that the Kremlin has now attacked Lane Kirkland for his efforts promoting democracy and his work on the National Endowment for Democracy.

Perhaps it seems unusual for a liberal Democratic labor leader and conservative Republican to be working together, but what it really demonstrates is that there is massive agreement in this country across the entire spectrum on the central truth that democracy is the only kind of government proper to free people. It shows that Americans, whether Democrat, Republican, blue collar or white, agree that Marxist totalitarianism or any totalitarianism—right or left—is the wave of the past, and that we need to be sure all the world knows it. The partisan things that separate Americans pale beside the fundamental unity we all share, and it is good to be reminded of that unity from time to time.

I am certain Lane Kirkland is pleased to be enrolled on the Tass enemies list, along with people such as Lech Walesa of Solidarity who see the close connection between free labor unions and human rights. The supreme irony, of course, is that the state claiming to be committed to working people should be bitterly attacking the AFL-CIO, an organization dedicated to the true interests of labor. That disparity is a perfect example of why Soviet ideology has become a world joke.

Having worked closely with Mr. Kirkland on the Bipartisan Commission on Central America, I know the cause of human rights and democracy has no greater friend.

A RIGHT AND A LEFT TO THE KREMLIN

(By Rowland Evans and Robert Novak)

A KGB alert to Soviet agents has confirmed the cautious hopes of an Odd Couple—AFL-CIO president Lane Kirkland and conservative Republican Sen. Orrin Hatch—that they are getting under the Kremlin's skin.

Kirkland and Hatch disagree about nearly everything, particularly the merits of Ronald Reagan.

But on April 6 in Washington, they were observed in affable conversation emerging from a board meeting of the six-month-old National Endowment for Democracy.

They and other members of the board are among the very few Americans aware that the creation of the new organization marks belated U.S. financing of open ideological combat with Soviet communism by private U.S. institutions.

The Endowment for Democracy is intended to promote democracy in general and free labor unions in particular throughout the world. Private institutions, not the CIA or Pentagon, will use government money.

But neither the Odd Couple nor the Reagan Administration anticipated the Kremlin's angry response after Congress established the endowment last November.

The flash-alert late last year to KGB agents coincided with a harsh attack on the Reagan Administration and Kirkland by Tass, the official Soviet news agency. That betrays deep Soviet vulnerability, and suggests the contour of a new Cold War, offering better prospects for the U.S. than are found today in Central America or the Mideast.

Tass branded Kirkland as part of the "corrupt top crust of the AFL-CIO"—words conceivable for Hatch himself to throw at Kirkland if the context were domestic. But in the ideological war between Moscow and Washington, Hatch and many of his conservative Republican allies are at one with Kirkland.

The AFL-CIO's foreign operations department, headed by Irving Brown, for years has been the only non-governmental American attempt at ideological warfare against the Soviet system. After operating on the thinnest shoestring for decades, Brown now has $11 million as a first installment in endowment funds from Congress.

Thanks to Hatch and Democratic Rep. Dante Fascell, the other Congressional member of the endowment's board, there's a lot more for Kirkland where that came from.

Uncle Sam funding Big Labor worries the Kremlin, where memories remain vivid of Kirkland's bold effort to help Solidarity leader Lech Walesa and safeguard Poland's budding free labor union in 1980.

Walesa and Solidarity's still potent underground remnant are at the top of the Kirkland-Brown-Hatch-Fascell List for immediate assistance: transistor radios, printing presses, other tools needed for underground struggle.

While ruling out support for "violent" change or the use of any U.S. "intelligence activity," the endowment's by-laws put no restraints on efforts to build and protect free labor unions.

Congress has voted $18 million for the current fiscal year to finance such non-governmental intrusions into ideological battlegrounds, with the funding going to $32 million next year.

Besides Poland, targets eyed by the endowment include the Philippines, to shore up opposition parties before dictatorial President Ferdinand Marcos' reelection campaign; Guatemala, to strengthen a system of free political parties to stand up against extremism of both the right and left, and Chile, where authoritarian President Augusto Pinochet is driving labor leaders into the Communist Party.

When Reagan made his memorable House of Commons speech in June, 1982, predicting that Marxism would wind up on "the ashheap of history," the Endowment for Democracy was not even a gleam.

It has now racked up two improbable achievements: it brought together Kirkland and Hatch, a Senator who was targeted for a purge in 1982 by the AFL-CIO.

More notably, it has frightened the Kremlin.●

LOOPHOLE OF THE WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Ms. KAPTUR. Mr. Speaker, in theory, the wealthy and the not-so-wealthy should be treated fairly by our Tax Code. In practice, however, it is usually only the wealthy who make use of signficant tax loopholes in a loophole-ridden tax system. The loophole of this week concerns the much-used tax deductions which benefit higher income groups to the detriment of the average and lower-income American.

When high-income individuals deduct a dollar from their income tax, their tax bill drops by 50 cents. But when the average person deducts a dollar from his or her income tax, the tax bill drops by much less. The lower the income bracket, the less the gain from a tax deduction. Is this fair?

Our Tax Code should treat the economic value of tax deductions the same regardless of family income. How else can we restore the people's faith in our Federal tax system?●

U.S.S.R. PROPAGANDA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, while the Soviet Union has been attempting to convince the world of late that it "means business," all it has succeeded in doing is showing the world how inept it can be. Last year, for instance, the U.S.S.R.'s propaganda campaign failed to bully NATO into accepting its monopoly on intermediate nuclear weapons in Europe. With hundreds of Soviet SS-20's pointed at their capitals, the NATO chiefs stood by their decision to deploy their own missiles, much to the chagrin of the Kremlin. In frustration, the Soviets

walked away from the arms control talks in Geneva.

Russia must certainly have been embarrassed by the Korean airline tragedy as well, showing as it did its inability to distinguish between civilian and military aircraft. The world's reaction I believe took the Soviets by surprise. The Soviet military machine has run into further difficulties in its attempt to subjugate the Afghan people as the war continues to drag on, inflicting heavy casualties on the occupying forces.

Moscow's recent decision not to attend the Olympics and its rising rhetorical war illustrate that it is the master only of verbal bombast. Mired in a disastrous policy, the Soviets continue to try to intimidate the West into making concessions. The myth of the omnipotent Russian bear must surely have been dispelled by now.

It is interesting to conjecture why the Soviets have reacted as they have. Part of the answer lies in the nature of such a rigid, intransigent system that is obsessed with power and the perception of power. In addition, Chernenko's ill-health apparently has meant that Foreign Minister Gromyko, a hard-liner, has had more of a free reign in the conduct of foreign affairs and thus Soviet policy has become even more dogmatic and inflexible.

What the reasons behind the Soviets' recent fumblings, there is a tendency in the West to view their failures as a net gain for the West. I believe this view, however, is somewhat shortsighted and ignores present-day realities. Two superpowers, possessing the awesome strength of the United States and the U.S.S.R., simply cannot continue trading insults while ignoring the pressing issues of the day.

In searching for a way out of this impasse, we must be willing to allow the Soviets to "save face" while adhering to our basic principles. We must resist our own harsh rhetoric, which merely exacerbates the situation, and we should continue to encourage the Soviets to return to the negotiating table. It was President Eisenhower who said one must always leave one's enemies an escape route, an out. That should be our policy under present conditions. On the other hand, it is up to the Soviet Union to have the courage to behave like a responsible country rather than like a sulking child.●

NATIONAL THEATER WEEK

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mrs. BURTON of California. Mr. Speaker, Americans have enjoyed and participated in theater for over 300 years. This week, the week of June 3, has been designated by Congress as "National Theater Week." This is a time for both reflection and participation. I urge all Americans to think of the role that theater has played in their lives, and celebrate this by attending theater performances, and participating in the numerous theater activities taking place in schools, community, stock and professional theaters during this week as a sign of our appreciation for the theater community.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 5, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

9:30 a.m.

Banking, Housing, and Urban Affairs

International Finance and Monetary Policy Subcommittee

To hold oversight hearings on international competitive effects of the high value of the U.S. dollar.

SD-538

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on drug and alcohol use on railroads.

SR-253

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review the transfer of information by the Internal Revenue Service and the Social Security Administration to other Federal and State government agencies and the examination of the collection of data by the Internal Revenue Service from private sector sources to identify cases of nonfiling or underreporting of income.

SD-342

Small Business

To hold oversight hearings on the impact of Government competition on small business.

SR-428A

Joint Economic

To resume hearings on the role of women in the labor force, focusing on older women.

2118 Rayburn Building

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to resume markup of S. 2527, to authorize funds for the Federal-aid highway program of the Department of Transportation.

SD-406

Foreign Relations

To hold hearings on East-West relations, focusing on potential problems in outer space.

SD-419

Judiciary

Security and Terrorism Subcommittee

To continue hearings on proposals to curb domestic and international terrorism, including S. 2623, S. 2624, S. 2625, and S. 2626.

SD-226

Veterans' Affairs

To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.

SR-418

Select on Intelligence

To hold closed hearings on intelligence matters.

S-407, Capitol

3:00 p.m.

Appropriations

HUD-Independent Agencies Subcommittee

Business meeting, to mark up H.R. 5713, appropriating funds for fiscal year 1985 for the Department of Housing and Urban Development, and certain independent agencies.

SD-116

JUNE 7

9:00 a.m.

Judiciary

To hold hearings on pending nominations.

SD-226

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of James H. Quello, of Virginia, to be a member of the Federal Communications Commission.

SR-253

Labor and Human Resources

To hold hearings on S. 2504, to establish a private, nonprofit Institute for Health Care Technology Assessment.

SD-562

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 1300, S. 2646, and H.R. 3050, bills to revise the liabilities and uses of the rural electrification and telephone revolving fund.

SR-328A

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for envi-

ronmental restoration programs of the Department of Defense.
SD-192

Energy and Natural Resources
To hold hearings on the nominations of Charles G. Stalon, of Illinois, to be a member of the Federal Energy Regulatory Commission, and Robert N. Broadbent, of Nevada, to be an Assistant Secretary of the Interior.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 978, to provide financial assistance to States for wetlands conservation, focusing on committee amendment No. 2807, proposed Wildlife and the Parks Act.
SD-406

Foreign Relations
To hold hearings on women in the Third World.
SD-419

Judiciary
Business meeting, on pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on Senate Joint Resolution 138, to establish a National Commission on Teacher Education.
SD-430

1:30 p.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings on S. 2239, to prohibit the exportation of freshwater in bulk by tanker.
SD-538

2:00 p.m.
Foreign Relations
To continue hearings on women in the Third World.
SD-419

4:00 p.m.
Conferees on S. 979
To improve the enforcement of export administration laws.
2172 Rayburn Building

JUNE 8

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine the current state and future prospects of the U.S. steel industry.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 2650, to revise certain procedures of the Consumer Product Safety Commission to allow for a more expeditious recall of toys and other articles intended for use by children that present a substantial risk of injury.
SR-253

Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on sexual exploitation of children.
SD-226

JUNE 11

10:00 a.m.
*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to explore the scope of drug abuse among women.
SR-325

JUNE 12

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the District of Columbia court system.
SD-138

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on S. 2127, proposed Federal Advisory Committee Act Amendments of 1983.
SD-342

Judiciary
Security and Terrorism Subcommittee
To hold hearings on S. 2469, to establish a new Federal offense of terrorism, and S. 2470, to provide for the national security by allowing access to certain Federal criminal history records.
SD-226

Joint Economic
To hold hearings on fair taxation issues and the administration's proposed tax cuts.
SR-428A

2:00 p.m.
Joint Economic
Trade, Productivity, and Economic Growth Subcommittee
To hold hearings on the status of the international trading system.
SD-342

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

*Judiciary
Criminal Law Subcommittee
To hold hearings on S. 2669, to eliminate the provisions of the Federal criminal code allowing for one-party-consent to certain interceptions of wire and oral communications by requiring consent by all the parties.
SD-106

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on proposals to broaden the Federal tax base and reduce tax rates.
Room to be announced

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review Government and community programs to combat drunk driving.
SR-253

10:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 2370, to provide for the distribution of certain funds collected by the Department of Energy in settlement of overcharges resulting from alleged pricing and allocation violations under the Emergency Petroleum Allocation Act of 1973, to establish the Petroleum Overcharge Restitution Fund for those funds in excess of direct restitution, and to authorize funds for fiscal year 1985-89 for certain energy conservation and assistance programs; to be followed by oversight hearings on the implementation of the weatherization program of the Department of Energy.
SD-366

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To continue hearings on proposals to broaden the Federal tax base and reduce tax rates.
Room to be announced

JUNE 18

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the impact of the Federal tax system on basic industry, investment industry, and service industries.
SD-215

2:00 p.m.
Labor and Human Resources
To hold hearings on S. 2687, proposed Youth Employment Opportunity Wage Act.
SD-430

JUNE 19

9:30 a.m.
* Labor and Human Resources
To resume oversight hearings on certain allegations involving the International Brotherhood of Boilermakers.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Finance
To hold hearings on S. 1915, to repeal the capital gains tax on disposition of investments in U.S. real property by foreign citizens.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on congressional access to reliable agency information.
SD-226

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the proposed sale of Conrail by the Department of Transportation.
SR-253

*Labor and Human Resources
To continue oversight hearings on certain allegations involving the International Brotherhood of Boilermakers.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Health Subcommittee
To hold oversight hearings to review a General Accounting Office study on program changes in the maternal and child health block grant program.
SD-215

*Veterans' Affairs
To hold hearings on proposed legislation to provide for veterans' compensation.
SR-418

JUNE 21

9:00 a.m.
Office of Technology Assessment
The Board, to meet on pending business matters.
EF-100, Capitol

9:30 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 463, to limit the amount of severance taxes imposed by States on oil, natural gas, and coal.
SD-215

Labor and Human Resources
To hold hearings on S. 2501, the substance of S. 2502, and S. 2503, bills to provide for greater use of competitive medical plans and preferred provider arrangements.
SD-430

JUNE 22

10:00 a.m.
Environment and Public Works
To hold hearings on proposals for establishing appropriate levels of lead in gasoline, including S. 2609.
SD-406

2:00 p.m.
Finance
Health Subcommittee
To hold oversight hearings on medicare home health care benefits and the difficulty interpreting the intermittent care rule.
SD-215

JUNE 26

10:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on Outer Continental Shelf leasing activities.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Lacey Act Amendments (Public Law 97-79), to control international trade in wildlife.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the status of college athletic programs.
SD-430

JUNE 27

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings on Congressional access to reliable agency information.
SD-562

Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SR-428A

JUNE 28

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2561, authorizing funds for fiscal year 1985 to facilitate the transfer of computerized training programs of the Federal Government to the private sector and to State and local governments for use in manpower training programs.
SD-430

JULY 10

9:30 a.m.
Labor and Human Resources
To hold hearings on the practice of defensive medicine by the medical profession in an effort to avoid malpractice suits and its effects on the quality of medical care.
SD-430

JULY 26

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on fringe benefits.
SD-215

JULY 27

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings on fringe benefits.
SD-215

JULY 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To resume hearings on fringe benefits.
SD-215

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

JUNE 5

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 2568, proposed Civil Rights Act of 1984, and S. 2494, to revise Federal law relating to the impact aid program of Federal assistance for local educational agencies in areas affected by Federal activity.
SD-430

JUNE 6

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430